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ALEXANDER L. STEVENS,
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IN THE
Supreme Court of the United States
 OCTOBER TERM, 1984

SUSAN J. DAVIS, *et al.*,*Appellants,*

VS.

IRWIN C. BANDEMER, *et al.*,*Appellees.*

APPEAL FROM THE UNITED STATES
 DISTRICT COURT FOR THE SOUTHERN
 DISTRICT OF INDIANA

JURISDICTIONAL STATEMENT

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QUESTIONS PRESENTED

1. Whether the court below in addressing a claim of political gerrymandering refused to follow the decisions of this Court.
2. Whether the decision of the court below in addressing a claim of political gerrymandering is in conflict with other decisions of the U.S. Court of Appeals for the Seventh Circuit.
3. Whether a major political party in Indiana with complete access to the political process and which elects candidates to the Indiana General Assembly in great numbers (Appendix at A-12) and to statewide office on a regular basis (Appendix at A-11) and with enough "safe" seats and "competitive" seats to control both the Indiana House of Representatives and the Indiana State Senate, is a "political group" entitled to the same constitutional protection as racial minority groups.
4. Whether the Indiana Reapportionment Acts can be found to be unconstitutional solely because of a finding of political gerrymandering, where the court below found that they followed the principal neutral criterion of "one man, one vote" (Appendix at A-17) and then the neutral criterion of no minority vote dilution and preserving Black voting strength so that Black representation is proportional to Black population in Indiana (Appendix at A-17), and then in fact followed the neutral criterion of "least changed plan" by preserving the cores of previous districts and avoiding incumbent contests for both Republicans and Democrats and by preserving multi-member districts in the House for both Republicans and Democrats unless all the representatives from any such multi-member districts, of either party or race, requested their district become a single member district (Appendix at A-18).
5. Whether the court below can make a finding of unconstitutional political gerrymandering, based in part

on a finding that proportional representation is not required (Appendix at A-25), but with no finding as to what representation for the minority party is required, and where there is no finding how the court measured baseline political strength.

6. Whether the court below can find political gerrymandering based on the 1982 elections (Appendix at A-11, A-12), where the minority party would have won control of the Indiana General Assembly by wide margins if it had won all "safe" seats and all seats found "competitive" (Appendix at A-11) and where some "vote dilution" will inevitably result from residential patterns regardless of district lines.

7. Whether the court below can place the burden of proof on the Indiana General Assembly itself to prove that its 1981-82 Reapportionment Acts are "necessary in order that the 'one person, one vote' constitutional tenet be preserved" (Appendix at A-30) even though the Indiana General Assembly was found to have followed the principal neutral criterion of one man, one vote (Appendix at A-17) and then the neutral criterion of preserving Black voting strength (Appendix at A-17) and where the two alternate plans of the Plaintiffs were not even presented until 1982 and then did not follow these same neutral criteria.

8. Whether the court below can find an unconstitutional "stacking" of Democrats (Appendix at A-13, A-17, A-19, A-30) concentrated in urban areas (Appendix at A-12, A-18), where Democrats that were Black and concentrated in urban areas were placed in the same district to preserve the same number of Black majority districts as before.

9. Whether the scope of the remedy exceeds the constitutional violations found.

10. Whether there are sufficient findings to support the conclusion of unconstitutional political gerrymandering in the Indiana General Assembly and any evidence to support some of the findings made.

THE PARTIES

Appellants in this proceeding are *Susan J. Davis, John Livengood, and Thomas S. Milligan*, as members of the Indiana State Election Board, *Laurie Potter Christie*, as Executive Director of the Indiana State Election Board, and *Edwin J. Simcox*, Secretary of State of the State of Indiana. Appellees from Cause No. IP 82-56-C are *Irwin C. Bandemer, Obi Badili, Ra-Nelle Pearson, George Womack Jr., Edward O'Rea, John Higbee, and David Scott Richards*. Appellees who were originally plaintiffs in the consolidated case, Cause No. IP 82-164-C, are *Indiana N.A.A.C.P. State Conference of Branches, Indianapolis Branch N.A.A.C.P., Fort Wayne Branch N.A.A.C.P., East Chicago Branch N.A.A.C.P. Thomas Bunnell, Edward Richardson, James E. Clark, Bervin E. Caesar, Elizabeth Dobynes, Dr. Benjamin Grant, John Stott, and Eunice Roper Allen*. Appellees by virtue of their status as defendants in the consolidated case (who are not appellants) are *Robert D. Orr*, Governor of the State of Indiana, *J. Roberts Dailey*, Speaker of the Indiana House of Representatives, *Robert D. Garton*, President Pro Tem of the Indiana State Senate, *Richard Mangus*, Chairman of the Standing Committee on Elections and Apportionment in the Indiana House of Representatives, and *Charles Bosma*, Chairman of the Standing Committee of Legislative Apportionment and Elections in the Indiana State Senate.

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Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA

JURISDICTIONAL STATEMENT

In compliance with Rules 12.3 and 15 of the revised rules of this Court, Appellants submit this statement particularly disclosing the basis upon which this Court has jurisdiction on appeal to review the judgment and decision of the United States District Court for the Southern District of Indiana, sitting as a three-judge court, entered on December 13, 1984, which (1) declared unconstitutional under the Equal Protection Clause of the Fourteenth

Amendment the 1981 Indiana House of Representatives and Senate reapportionment acts and the 1982 amendments thereto; (2) enjoined the Indiana state officers responsible for implementing the election laws and holding elections thereunder from holding elections pursuant to the 1981 House and Senate reapportionment acts and 1982 amendments thereto; and (3) ordered the Indiana General Assembly to enact legislation in 1985 to redistrict the State and reapportion the legislative seats in the General Assembly.

OPINIONS BELOW

The opinion of the three-judge court below is not reported, but the majority opinion and order and the related dissenting opinion by Judge Pell are set out in Appendix A. The court's opinion and order denying Appellants' Motion to Modify or Amend, together with a dissenting opinion by Judge Pell, are set out in Appendix C.

JURISDICTION

This action was initially brought by appellees Bandemer, Badili, Pearson, Womack, O'Rea, Higbee and Richards challenging the 1981 Indiana House and Senate reapportionment acts under the Fourteenth Amendment to the Constitution of the United States, under 42 U.S.C. §1983, and under the Constitution of the State of Indiana. Jurisdiction in the court below was based on 28 U.S.C. §§1331, 1343(a), 2201 and 2284 for the federal constitutional and statutory claims and on pendant jurisdiction for the state constitutional claims. A three-judge panel was appointed pursuant to 28 U.S.C. §2284.

¹A second action, with a different group of plaintiffs (the NAACP plaintiffs) and challenging the reapportionment acts on different grounds, was subsequently filed as Civil Action No. IP82-164-C. By order dated May 3, 1982, the two actions were consolidated by the court below. The issues raised in the second action are not a part of this appeal.

After trial, the three-judge court entered its opinion and order, including injunctive relief, on December 13, 1984. Appellants filed a timely Motion to Modify or Amend (Appendix B) on December 18, 1984, requesting that the court alter or amend its opinion and order. This motion was denied on December 27, 1984 (Appendix C). A notice of appeal (Appendix D) was filed in the United States District Court for the Southern District of Indiana on January 11, 1985, its timeliness and the timeliness of this Statement being governed by 28 U.S.C. § 2101(b) and Rule 12.1 of the revised rules of this Court.

Jurisdiction of this appeal is conferred on this Court by 28 U.S.C. §1253 since the order appealed from involved the granting of an injunction after hearing by a three-judge court. Cases sustaining the jurisdiction of this Court on appeal are *Whitcomb v. Chavis*, 403 U.S. 124 (1971), and *Sixty-Seventh Minnesota State Senate v. Beens*, 406 U.S. 187, 194-95 (1972).

STATUTES INVOLVED

Section 1 of the fourteenth amendment to the United States Constitution provides as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The 1981 Indiana House of Representatives and Senate reapportionment acts as amended by the 1982 amendments thereto appear at Ind. Code §§2-1-1.5 and 2-1-2.2 and are set out in Appendix E.

STATEMENT OF THE CASE

Following the 1980 census conducted by the United States Census Bureau, the Indiana General Assembly² began the process of reapportioning the State based on compilations it received from that agency.

On January 13, 1981, House Bill 1475 was introduced in the Indiana House as being relevant to reapportionment. Similarly, Senate Bill 80 was introduced on February 24, 1981. These bills were characterized as "vehicle bills" and were devoid of significant content as filed. Such vehicle bills are used by the legislative leadership of both parties, the Democratic leader in the State Senate, Senator O'Bannon, introducing, for example, nine such vehicle bills in 1981. The reapportionment bills were passed in that form and were referred to the other house where amendments were made. In practical terms, the bills were blank, the amendments insignificant, and the sole purpose for this particular legislative process is to refer both bills to a conference committee.

The reapportionment bills were thus referred to a conference committee for action. The Senate Democratic leadership told the Senate Republican leadership that no Democrat would vote for any reapportionment plan prepared by the Republicans. To advance the legislative process all conferees appointed were Republicans—State Senators Charles E. Bosma and James Abraham and State

²The General Assembly is Indiana's bicameral legislature, consisting of a House of Representatives with 100 members and a Senate with 50 members. House members serve a term of two years and Senate members serve a term of four years with one-half of the Senate members elected every two years. The General Assembly is not a full-time legislature. Rather, in odd numbered years it meets for a maximum of 61 session days, and in even numbered years for a maximum of 30 session days. Apportionment of the state into districts represented in the General Assembly is done by legislative act, signed by the Governor into law. The opinion of the court below gives a more detailed description of the General Assembly (Appendix at A-5, A-6).

Representatives Richard W. Mangus and Norman L. Gerig. All were members of their legislative body's respective elections and apportionment committees. Certain Democratic advisors were appointed, but they had no committee vote.

To aid in the process of legislative map making, the Republican State Committee, a political organization, contracted with a Detroit, Michigan computer firm, Market Opinion Research, Inc. ("MOR"). The Republican State Committee paid Two Hundred Fifty Thousand Dollars (\$250,000.00) for MOR's services and the computer equipment was housed in State Committee headquarters. There was limited access to the equipment and its output. Generally speaking, minority party members had no direct access to the information provided to MOR or to the output from the computers. During reapportionment, however, at the request of minority legislators changes were made in the reapportionment bills to accommodate Democrats and to avoid putting Democratic incumbent Senators into the same district.

Meanwhile, the minority party members did have census compilations provided by the United States Census Bureau from which they began drawing their own map, albeit by less sophisticated means than their Republican counterparts. During these early months of 1981, there were no hearings of any kind with respect to reapportionment. The reapportionment maps and the district lines could not be determined until the computer information was available, and computer tapes were not even available until some time in the middle or latter part of April, 1981.

The majority party, through its conference committee, revealed the product of the MOR-aided map drawing during the last week of the regular 1981 session. After floor debate, certain changes were made in the reapportionment bills to accommodate the wishes of members of the minority party. The conference committee report was

introduced for vote in both houses of the General Assembly on April 30, the final day of the 1981 Regular Session. The Senate adopted the report (Roll Call 673) along party lines, 33 to 15. The House similarly adopted the report (Roll Call 844) along party lines, 59 to 40. The Indiana Journal reports comments by Senator Townsend for April 30, 1981, that the Democrats had forty hours to review the districting of more than 4,000 precincts. The Governor signed the bill into law on May 5, 1981. The procedures followed in the passage of these Acts were in accordance with all rules and legislative procedures of the General Assembly and were substantially the same as those procedures followed in 1965 and 1971. In each of those years the conference committee members were all members of the majority party, which in 1965 was the Democratic Party, and in each case the bills were passed at the very end of the Session.

The General Assembly followed certain neutral criteria in adopting the Indiana Reapportionment Acts in 1981 ("House Plan" or "Senate Plan" or "Acts"). The principal criterion was "one man, one vote", resulting in a population deviation of approximately one percent. Next, the General Assembly tried not to dilute Black voting strength. By the use of a "no retrogression" rule, Black representation was made proportionate to Black population in Indiana and the number of Black majority districts existing before reapportionment was preserved, in spite of the fact that there was a tremendous drop in population in the Black majority districts in the urban areas since the prior reapportionment.³

Subject to these priority guidelines, the General Assembly then followed the neutral criterion of "least changed plan" by not placing two or more incumbents in

³By following these guidelines, the court below found the Indiana General Assembly protected the voting rights of Blacks as Blacks as required by the U.S. Constitution and §2 of the Voting Rights Act of 1965, as amended in 1982.

the same district, by preserving the cores of existing districts, and by continuing existing multi-member districts in the House except where all of the Representatives from any such multi-member district, of either party or race, requested a change to single member districts. Multi-member House districts have been used in Indiana during this century and are used in urban areas with heavy Black population and also in other areas with predominantly white population. A higher percentage of Blacks than whites reside in multi-member districts. They are used whether the members are Democrats, Republicans or both Democrats and Republicans in the same multi-member district. Representation is not proportional between the political parties in the multi-member districts in Marion and Allen Counties in that 86% of the House seats in Marion and Allen Counties are now held by Republicans, but 46.6% of the population, the court below held, are identifiable as Democratic voters.

After passage of the Acts on April 30, 1981, the matter was settled until 1982 when certain revisions were made. During the 1982 Session the Plaintiffs presented the "Crawford Plan" for the House and the "Carson Plan" for the State Senate.

The Crawford Plan changed existing multi-member districts to single member districts and adopted as its own the sixty single-member districts contained in the current House Plan. It changed the districts in Marion, Allen and Lake Counties to maximize the Black vote in those three counties.⁴ The impact on Black voting strength of the Crawford Plan is only known, however, in fifteen of the forty districts it created (listed in Plaintiffs' Exhibit 215, p.6).

The impact on Black voting strength in any of the forty-

⁴These changes were not approved by the court below.

five Senate districts in the Carson Plan not listed in Plaintiffs' Exhibit 215, p. 7, is also not known. The Carson Plan also would have maximized Black voting strength in Marion, Lake and Allen Counties.⁵

In Indiana, there is a heavy concentration of Democratic voters, including Blacks, in the urban counties, but only a minority of Democratic voters scattered throughout the rest of the districts. In the 1980 election, before reapportionment, thirty-five Republicans and fifteen Democrats were elected to the Indiana Senate, and sixty-three Republicans and thirty-seven Democrats were elected to the Indiana House. In the 1982 election, following reapportionment, there was an increase of three Democrats in the State Senate and six Democrats in the Indiana House.

In the Indiana House in 1982, all 100 seats were up for election. Fifty-seven Republican candidates were elected to serve in the Indiana House; forty-three Democrats were elected to the House. In the Indiana Senate, twenty-five seats were up for election. Thirteen Democrats and twelve Republicans were elected to Senate seats.

Based on the 1982 election (called "most significant" by the court below), in the Senate there would have been thirteen "safe" Democratic seats and eighteen seats in the "competitive" range of 45%-55%, totaling thirty-one of the fifty Senate seats. The 1982 election in fact resulted in proportional representation of the two political parties in the Indiana Senate.

In the House, based on the 1982 election there were twenty-eight "safe" Democratic seats and thirty-nine "competitive" seats in the 45%-55% range which gave the minority party an opportunity to win a total of sixty-seven of the 100 House seats if they had won all "safe" and "competitive" seats.

⁵These changes were also not approved by the court below.

In January, 1982, prior to the 1982 elections, this lawsuit was filed by certain Indiana Democratic Party members. In summary, the plaintiffs alleged that the Acts were intended to, and do, discriminate against Indiana Democrats. They claimed that such "political discrimination" is a violation of Fourteenth Amendment guarantees of equal protection as well as Indiana constitutional prohibitions against treating electors unequally and unnecessary division of counties in Senate districting.

A majority of the three-judge court agreed that the Acts were unconstitutional under the Fourteenth Amendment. The court below found the unusual shapes of certain specified House Districts, which however observed township lines, indicated a lack of consistent application of community-of-interest principles.⁶

The court below entered an opinion and order ("Order") December 13, 1984, enjoining Indiana officials from holding elections pursuant to the Acts at any time subsequent to November 6, 1984 and giving the 1985 Session of the Indiana General Assembly, presumably either the regular session or a special session if necessary, the opportunity to enact legislation to comply with the court's order. The court retained jurisdiction to take such further action as it deemed necessary if the General Assembly did not act.

Judge Wilbur Pell of the United States Court of Appeals for the Seventh Circuit, a member of the three-judge panel, concurred in part and dissented in part. He concurred that there was no finding of constitutional or statutory violations insofar as the NAACP plaintiffs were concerned, but dissented from the majority's decision that the Indiana General Assembly had violated the Equal Protection

⁶Compactness was a neutral criterion followed during reapportionment if the "numbers fit". Mangus Deposition, p.52.

clause of the Fourteenth Amendment by diluting the voting strength of the Plaintiffs as Democrats.

On December 18, 1984, State officials asked the court below to clarify its order in certain specific respects, including what priority to assign to its new constitutional prohibition against partisan political gerrymandering, which conflicts in certain important aspects with the neutral criterion used by the Indiana General Assembly of not diluting Black voting strength. (See Appendix B) The court denied this request for clarification by order entered December 27, 1984, Judge Pell concurring in part and dissenting in part. (Appendix C).

THE QUESTIONS ARE SUBSTANTIAL

I. The Decision is Based on a Nonjusticiable Issue and is in Conflict with Prior Decisions of this Court and the Court of Appeals

The court below recognized that in striking down Indiana's reapportionment Acts based upon political considerations alone, it was doing something which no court had ever done before (Appendix at A-21, A-22). Such a lack of supporting precedent is understandable. This Court and the United States Court of Appeals for the Seventh Circuit have consistently held that claims of partisan political gerrymandering are not justiciable, and for good reason.

In *Wiser v. Hughes*, 459 U.S. 962 (1982) and *Andrews v. Hughes*, 459 U.S. 962 (1982), allegations of political gerrymandering of the Maryland Legislature were appealed to this Court. On November 1, 1982, these appeals were dismissed for want of a substantial federal question. See also *Graves v. Barnes* (Graves I), 343 F.Supp. 704 (W.D. Tex. 1972), *aff'd. sub nom. Archer v. Smith*, 409 U.S. 808 (1972); *Kelly v. Bumpers*, 340 F.Supp. 568 (E.D. Ark. 1972), *aff'd.* 413 U.S. 901 (1973); *Wells v. Rockefeller*, 311 F.Supp. 48, 56 (S.D.N.Y. 1970) (Cannella J. concurring), *aff'd.* 398

U.S. 901 (1970) (per curiam); *Kilgarlin v. Martin*, 252 F.Supp. 404 (S.D. Tex. 1966), *aff'd in part and rev'd in part sub nom. Kilgarlin v. Hill*, 386 U.S. 120 (1967); *WMCA, Inc. v. Lomenzo*, 238 F.Supp. 916 (S.D.N.Y. 1965), *aff'd.* 382 U.S. 4 (1965) (per curiam).

Similar authority can be found in the decisions of the Court of Appeals for the Seventh Circuit. In *Russo v. Vacin*, 528 F.2d 27 (7th Cir. 1976) a claim that ward district lines in Chicago were drawn to minimize the strength of political opponents was dismissed, the Court of Appeals holding that partisan gerrymandering is not justiciable unless absolutely irrational. In *Cousins v. Chicago City Council*, 466 F.2d 830 (7th Cir. 1972) the Court of Appeals held that a claim by a political group that it was disfavored by the drawing of ward district lines "remains among the non-justiciable political questions," relying on *WMCA v. Lomenzo*, 382 U.S. 4 (1965).

Justice John Paul Stevens was a member of the *Cousins* panel. Justice Stevens held that where there is compliance with the population standard, "judicial intervention is not warranted unless the facts dramatically and convincingly foreclose any permissible construction of the Legislature's work", 446 F.2d at 860. Where there is "an attempt to adhere to pre-existing standards", *id.* or if the district follows natural boundaries, or is compact or is contiguous, and if the said population requirement is met, "rarely if ever would a plan be attacked as wholly irrational", 446 F.2d at 859. As the lower court stated in *Wells v. Rockefeller*, 311 F. Supp. 48, 51 (S.D.N.Y. 1970) *aff'd.* 398 U.S. 901 (1970) (per curiam) (quoting *Jones v. Falcey*, 48 N.J. 25, 222 A.2d 101, 105 (1966)), "it would seem impossible for a court to pass upon the validity of political interests without itself making a political judgment or appearing to do so."

Despite this great weight of authority that the issue of political gerrymandering is not justiciable, the court below relied heavily upon the analysis of Justice Stevens'

concurrence in *Karcher v. Daggett*, 462 U.S. 725 (1983), (Appendix at A-21), a case which turned upon substantially different facts and considerations.

Karcher, of course, was not a Fourteenth Amendment challenge to state legislative districting but an Article I, section 2 challenge to Congressional districting in New Jersey involving competing plans. In addition, even if under the more extreme circumstances present in *Karcher* a "political group" might be considered to have a right to be heard on a contention of political gerrymandering, this is not that case. In *Karcher* it was admitted without dispute that the majority party purposely and intentionally for partisan advantage attempted to place incumbent members of the minority party in the same district, and that an alternate plan, not pitting one minority party incumbent against another and with less population deviation, was presented to the lower court and approved by it. The only preferred justification other than "one man, one vote" for the plan disapproved by the lower court was "no dilution of the Black vote", which the lower court held in fact was not adhered to in the New Jersey redistricting. This markedly contrasts with the situation in Indiana. No incumbent Democratic Senators were placed in the same district, and there was no evidence or finding that House members of either party were placed in the same district where it was not necessary or appropriate because of population shifts to meet the "one man, one vote" requirement.

Some of the questions that must arise in determining what is a "political group" are set out in *Mobile v. Bolden*, 446 U.S. 55, 77, 78 n. 26 (1980). It may well be that the interests of one particular racial or political group may conflict with that of another racial or political group, or even members of the same group. *See id.* at 91 n. 13 (Justice Stevens, concurring). None of these considerations are dealt with in the Order of the court below, despite Appellants' request for clarification (Appendix B).

For any political group to require special constitutional protection under the Equal Protection Clause on account of "vote dilution", it may have to prove that "historical and social factors render it largely incapable of effectively utilizing alternative avenues of influencing public policy" because "in contrast to a racial group, however, a political group will bear a rather substantial burden of showing it is sufficiently discrete to suffer vote dilution." *See id.* at 111-112 n. 7, 120 n. 19 (Justice Marshall, dissenting). This Court has never held that the issue of political gerrymandering is justiciable, and the prior decisions of both this Court and the Seventh Circuit Court of Appeals establish that it is not. The constitutional "leap" undertaken by the court below, being thus without foundation in precedent and contrary to existing precedent, is unwarranted and erroneous.

II. The Findings of the Court Below and the Evidence Do Not Support a Conclusion of Unconstitutional Political Gerrymandering.

Even if this Court were prepared to recognize political gerrymandering as a justiciable issue, the findings made by the court below—as well as the findings not made—demonstrate that it was not necessary to reach this constitutional issue. The facts simply do not show a political gerrymander.

It is significant that the court's Order specifically found that the Acts were based upon a series of approved, neutral criteria. Additionally, the Order wholly failed to address issues deemed crucial in *Karcher v. Daggett*, 462 U.S. 725 (1983), the very case upon which the court below relies.

A. Approved, Neutral Criteria Were Used

1. "One Man, One Vote"

The Order finds that the Acts comply with the principal neutral criterion of "one man, one vote" (Appendix at A-17) with a population deviation of 1% (Appendix at A-10). This deviation is well within the range permitted in state

legislative redistricting. In *Brown v. Thomson*, 462 U.S. 835, 77 L.Ed.2d 214, 222 (1983), this Court in approving Wyoming's state legislative redistricting reaffirmed that "an apportionment plan with a maximum population deviation under 10%" requires no justification by the state.

2. "No Minority Vote Dilution"

The Order also finds that when allowable the General Assembly then followed the approved neutral criterion of "no minority vote dilution" and preserved Black voting strength by following the rule of "no retrogression" (Appendix at A-10, A-17). See *Karcher v. Daggett*, 462 U.S. 725 (1983). This resulted in Black majority districts proportional to Black population (Appendix at A-17) despite a ten-year population loss by Senate District 34 in Marion County, a Black majority district, of 34,064, by House District 45 (now 51) in Marion County, a Black majority district, of 56,226 and by House District 5 (now 14) in Lake County, a Black majority district, of 29,592 (SEN 1971 "Black %" and HR 1972 "Black %" in Defendants' Exhibit 1 at Appendix F; Defendants' Exhibit Z).⁷ The court below accordingly found no violation of the Voting Rights Act (Appendix at A-21).

The relative size of racial groups before and after redistricting is, of course, an important consideration in determining the constitutionality of any reapportionment plan, including Indiana's. See, e.g., *Ketchum v. Byrne*, 740 F.2d 1398, 1407 (7th Cir. 1984). In *Rome v. United States*, 446 U.S. 156, 185 (1980), this Court held that electoral changes which lead to retrogression in the position of racial minorities in the exercise of their electoral rights cannot be

⁷The use of the neutral criterion of not diluting Black voting strength also is evident from the reduction of the Black percentages in Old House District 5 (now 14) from 91.2% to 69.9%, in Old House District 45 (now 51) from 63.8% to 61.2%, in Senate District 3 from 84.8% to 71.9%, and in Senate District 34, from 68.1% to 58.4% (SEN 1971 "Black %", HR 1972 Black %, SEN 1982 "Black %" and HR 1982 "Black %" in Defendants' Exhibit 1 at Appendix F).

permitted. See also *Beer v. United States*, 425 U.S. 130, 141 (1976).

The sensitivity of the General Assembly to this criterion is illustrated by Marion County, which preserved its fifteen seat delegation to the Indiana House despite a population decrease (Appendix at A-15). Although House District 45 (now 51) in Marion County had lost more population than the ideal district population size of 54,801 ("HR 1972" in Defendants' Exhibit 1 at Appendix F), the Acts preserved Black voting strength and representation and also maintained Marion County urban representation, rather than converting this Black majority three-member district to a two-member district.

The court below seemed to recognize that the Acts followed the guideline of preserving Black voting strength, but it explained this away by intimating that this was the result of "hindsight and chance" (Appendix at A-18). In fact, contemporaneous newspaper articles report that the neutral criterion of "no dilution of the minority vote" guided the General Assembly throughout reapportionment (Plaintiffs' Exhibits 241, 244, 253; Mangus Deposition Exhibits 2, 8).

Although the court below also found a "stacking" of Democrats (Appendix at A-13, A-17, A-19, A-30) concentrated in urban areas (Appendix at A-12, A-18), this was simply the neutral result of Democrats that were Black and concentrated in urban areas being placed in the same district to preserve Black voting strength as it existed before reapportionment. This was a neutral legislative goal adhered to at all times during the reapportionment process. (Bosma Deposition, pp. 20-1, 52-3, 69; Mangus Deposition, pp. 29-31; Dailey Deposition p. 91). The court below does not suggest that this is any way unconstitutional. There is no evidence or finding that any less "stacking" would not result in the Blacks losing Black majority districts in some or all of these urban areas in Indiana.

In the House, although there are general comments

about "stacking" there are findings of "stacking" only in Marion and Allen Counties (Appendix at A-15, A-16), and there is no finding that this "stacking" was any more than necessary to preserve Black voting strength. The decision discusses in great detail the "bizarre" shapes of certain specific House districts (Appendix at A-14, A-17, A-28, A-29), but concludes only that this indicates no community of interest (*id.*). Several House districts were found to lack compactness, but there is no finding that this lack of compactness resulted in gerrymandering favoring the Republicans. In fact, some of these House districts⁸ were held by Democrats following the 1982 election (Defendants' Exhibit JJ, p. 22). The district lines for three of these House districts held by Democrats were drawn at least in part by the Democratic representatives themselves (Mangus Deposition pp. 54, 57-9).

There is no finding that the configuration of any particular House district or districts was not in fact the result of the neutral criteria of "one man, one vote" and of not diluting Black voting strength. House districts observed township lines (Appendix at A-29), which constitutes a legitimate state interest. *Mahan v. Howell*, 410 U.S. 315, 328 (1973), modified 411 U.S. 922 (1973). Compactness itself is not, of course, a federal requirement under the federal constitution, *Gaffney v. Cummings*, 412 U.S. 735, 754 (1973), and was followed when the "numbers fit" (Mangus Deposition, p. 52).

3. "Least Changed Plan"

The Acts followed when allowable the neutral criterion of "least changed plan", recognized as proper by this Court, *LaComb v. Growe*, 541 F.Supp. 145 (D. Minn. 1982), *aff'd sub nom. Orwoll v. LaComb*, 456 U.S. 966 (1982). The Acts preserved the cores of prior districts, *Karcher v. Daggett*, 462 U.S. 725, 103 S.Ct. 2653, 2663 (1983), and avoided where feasible contests between incumbent members of the

Indiana General Assembly of both parties, *Burns v. Richardson*, 384 U.S. 73, 89 n. 16 (1966); *White v. Weiser*, 412 U.S. 783, 797 (1973).

The Acts also followed the neutral criterion of "least changed plan" by preserving multi-member districts in the House unless the Representatives from any particular multi-member district, regardless of party or race, requested that their district become single-member districts (Appendix at A-18; November Transcript, pp. 140-41; Mangus Deposition pp. 20, 29; Dailey Deposition p. 23; Campbell Deposition p. 143-7, 151-2, 167). The combined use of single-member districts and multi-member districts is quite common in legislatures, occurring in thirteen legislatures in 1981 (Defendants' Exhibit GG). In *Burns v. Richardson*, 384 U.S. 73, 89 n. 16 (1966) this Court found it relevant that the Hawaiian Legislature was dominated by multi-member districts in both houses before statehood and that this feature did not originate with a particular reapportionment plan then under consideration. Similarly, multi-member districts have been used during this century (Appendix at A-19), have had a long and continuous history in Indiana (Defendants' Exhibit EE) and were expressly found to be constitutional by this Court in *Whitcomb v. Chavis*, 403 U.S. 124 (1971).

Moreover, multi-member districts exist in both urban areas and rural areas and are represented by legislators that are Democrats, Republicans, or both Democrats and Republicans in the same district (Defendants' Exhibit HH at Appendix F). For example, House District 31, a two-member district, is represented by a Republican farmer and a Democratic businessman from Gas City, Indiana (Defendants' Exhibit JJ, pp. 22, 29 and 42). This lack of political specificity negates a claim of purposeful discrimination. *Cosner v. Dalton*, 522 F.Supp 350, 362 (E.D.Va. 1981).

Attempting to find other evidence of political discrimination, the court below holds instead that a higher

⁸District Nos. 25, 42, 43, 66, 70 and 73.

percentage of Blacks than whites resides in multi-member districts (Appendix at A-18), that 46.6% of the population in Marion and Allen Counties is identified as Democratic while the Republicans won 86% of the House seats in Marion and Allen Counties, all from multi-member districts, and that "such a disparity speaks for itself" (Appendix at A-20). This phenomenon does not, however, connote unconstitutionality. In *Whitcomb v. Chavis*, 403 U.S. 124 (1966), quoted approvingly in *Mobile v. Bolden*, 446 U.S. 55, 79-80, this Court considered a charge of political gerrymandering made in oral argument (403 U.S. at 156 n. 35) and held that the fifteen person multi-member district in Marion County, Indiana, was constitutional even though the minority party had won only one race in five from 1960 to 1968, *id.* at 150. *Whitcomb* thus held it constitutional for the minority party to win exactly the same number of House seats—fifteen—in this ten year period as it would now have if it won only the three seats in Marion County in House District 51 in the next five elections.

B. The Elements Outlined in *Karcher* Were Not Found

The court below made no attempt to relate the concept of "political gerrymandering" to the specific facts of this case. This Court held in *Karcher* that the plan rejected had greater population variances, *Karcher v. Daggett*, ____ U.S. ___, 104 S.Ct. 1691 (1984) (Justice Stevens concurring in denial of stay), and "was designed to produce contests among certain Republican incumbents", *Daggett v. Kimmelman*, 580 F.Supp. 1259, 1263 (1984) (on remand), *aff'd sub nom. Karcher v. Daggett*, ____ U.S. ___, 104 S.Ct. 2672 (1984). There is no evidence or finding by the court below that the Acts were designed to, or resulted in, contests among incumbents of either party which were not unavoidable because of one man, one vote considerations.

The court below also made no finding on the measurement of the baseline strength of a political party in Indiana. The "political group" found disadvantaged by the court was defined as persons who are "Democrats or at least have Democratic voting tendencies" (Appendix at A-19). This group was also defined as those voting for Democratic candidates in either 1956, 1958, 1964, 1972, 1974 or 1980 (Appendix at A-11), as those voting for all Democratic candidates for the House of Representatives in 1982, and as those voting for all Democratic candidates for the Indiana State Senate in 1982 (Appendix at A-12). As Justice Stevens recognized in his concurring opinion in *Karcher*, relied upon heavily by the court below (Appendix at A-21), measurement of baseline strength is "difficult for a political party". *Karcher v. Daggett*, 462 U.S. 725, 103 S.Ct. 2653, 2672 n. 13 (1983). The court below simply avoided this difficult task and did not attempt to set forth specifically what measurement it had used.

C. The Finding of Intent is Unsupported

This Court has determined that discriminatory purpose is critical to a vote-dilution claim under the Equal Protection clause of the Fourteenth Amendment. *Mobile v. Bolden*, 446 U.S. 55 (1980). In an effort to find such intent, the court below quoted the partisan comments of two Republican legislative leaders (Appendix at A-8 — A-9) and found largely from these comments that the purpose and intent of the General Assembly was to deprive the minority party of its constitutional rights to equal protection. There is no reason to believe, however, that these particular legislative leaders were in any way authorized to speak for the Indiana General Assembly as a whole, or that they were authorized to make these statements in any representative capacity whatever. This Court has held that no member of a legislature, outside the legislature, is empowered to speak with authority for the body. *Regional Rail Reorganization Act Cases*, 419 U.S. 102

(1974). *Accord Strauch v. United States*, 637 F.2d 477 (7th Cir. 1980) (statements by a government official outside the scope of his authority are not binding); *Department of Energy v. Westland*, 565 F.2d 685, 691 (3d Cir. 1977).

Partisan comments and partisan influences are to be expected during the legislative process. In *Gaffney v. Cummings*, 412 U.S. 735, 753 (1973), this Court stated:

Politics and political considerations are inseparable from districting and apportionment. The political profile of a State, its party registration, and voting records are available precinct by precinct, ward by ward. These subdivisions may not be identical with census tracts, but, when overlaid on a census map, it requires no special genius to recognize the political consequences of drawing a district along one street rather than another. It is not only obvious, but absolutely unavoidable, that the location and shape of districts may well determine the political complexion of the area.... The reality is that districting inevitably has and is intended to have substantial political consequences.

Moreover, the experience in Indiana demonstrates that political partisan intentions are not always borne out by subsequent events. Before reapportionment in the 1980 election, thirty-five Republicans and fifteen Democrats were elected to the Indiana State Senate, and sixty-three Republicans and thirty-seven Democrats to the Indiana House (Defendants' Exhibit II and Defendants' Exhibit SS). Following reapportionment, in the 1982 election there was an increase of three Democrats in the State Senate and six Democrats in the Indiana House (Defendants' Exhibit JJ, p. 1).

D. The Minority Party Was Not Disadvantaged.

Based on the 1982 election, called "most significant" by the court below (Appendix at A-11), in the Indiana Senate there would have been thirteen "safe" Democrat seats and eighteen seats in the "competitive" range of 45%-55%, *id.*, as

shown in a chart prepared by the Plaintiffs (Plaintiffs' Exhibit 39 at Appendix F), totaling thirty-one of the fifty Senate seats. The 1982 election in fact resulted in proportional representation of the two political parties in the Indiana Senate, as pointed out by the dissenting opinion of Judge Pell (Appendix at A-44).

In the Indiana House, according to a chart prepared by the Plaintiffs but introduced into evidence by the Defendants as Defendants' Exhibit HH (Appendix F), the 1982 election resulted in twenty-eight "safe" Democrat seats and thirty-nine "competitive" seats in the 45%-55% range (Appendix at A-12) which gave the minority party an opportunity to win a total of 67 of the 100 House seats if they had won all "safe" and "competitive" seats. It is inconceivable that a reapportionment scheme which allows the minority party the opportunity to obtain a two-thirds majority could reflect political gerrymandering.

In comparing state-wide races and legislative races the court below apparently again ignored the comments of Justice Stevens in his concurring opinion in *Karcher*, wherein he stated that some "vote dilution" will inevitably result from "residential patterns" where one party is heavily concentrated in the urban areas (as in Indiana). 103 S.Ct. at 2675 n. 27. The source cited by Justice Stevens, Backstrom, Robins & Eller, *Issues in Gerrymandering: An Exploratory Measure of Partisan Gerrymandering Applied to Minnesota*, 62 Minn. L. Rev. 1121, 1127 (1978), expands upon this point:

Aside from those analysts who emphasize physical appearance as a means of identifying gerrymandering, others purport to measure gerrymandering by focusing on the partisan outcome of the legislative election following a redistricting. Analysts using this approach compare the percentage of a party's legislative vote statewide with a percentage of seats gained. Marked disparities

between the two figures are said to indicate the existence of a gerrymander.

This method of identifying gerrymandering, like the first, has major flaws. First, the approach fails to account for the fact that the difference between percentage of vote and number of seats captured may in fact be the result of natural advantages—the inordinate concentration of partisans in one place—rather than any deliberate partisan districting scheme. For example, it is well known that Michigan Democrats are heavily concentrated in Detroit but are in a minority in many other parts of the state. Thus, in every election, Detroit Democrats will win heavily but their excess votes—those above 50%—do their party no good. Similarly, Democrats in out-state Michigan waste votes in those districts where they are a strong but persistent minority. No tolerable districting plan can effectively use either kind of votes, but typical post-election bias measures would show a gerrymander in favor of Michigan Republicans.

There is no evidence or finding that *any* alternate plan of reapportionment in Indiana, regardless of the map maker, with either multi-member or only single member districts, would not also reflect this “wasting” of Democratic votes in areas of high Democratic concentration, assuming that Black majority districts are maintained.

The lower court in *Karcher* on remand also recognized that lack of proportional representation based on state-wide votes and legislative seats won does not prove partisan political gerrymandering. The court held the “computer generated analysis” of the results in each of the proposed congressional districts of several state-wide elections had no “real relevance”. *Daggett v. Kimmelman*, 580 F.Supp. 1259, 1263 (1984), *aff'd sub nom. Karcher v. Daggett*, ____ U.S. ___, 104 S.Ct. 2672 (1984). The court stated:

While it is true that congressional elections are frequently affected by the same issues that influence the outcome of the presidential and senatorial

contests, the patent reality is that they are strongly influenced by the more direct relationship of a Representative with the voters in his own district. Thus the fact that a district may have voted in favor of a senatorial or presidential candidate of one party is hardly a strong predictor of the outcome of a congressional race.

Nevertheless, the court below found “most significant” the results of a 1982 election wherein Democrats were said to have won 51.9% of the legislative votes state-wide, but elected only forty-three Democrats to the House (Appendix at A-12).

III. The Court Below Improperly Shifted the Burden of Proof to the State to Justify its Reapportionment Acts.

In reaching its conclusion of unconstitutional political gerrymandering, the court below improperly shifted the burden of proof to the Indiana General Assembly to prove that its reapportionment plan was “necessary in order that the ‘one person, one vote’ constitutional tenant be preserved” (Appendix at A-30). This approach was based on the concurrence of Justice Stevens in *Karcher*, “in conjunction with” *Mobile v. Bolden*, 446 U.S. 67 (1980). Appendix at A-21.

Under the burden of proof test in *Bolden*, however, the burden of proof never shifts to the state to prove the absence of racial discrimination. The plaintiff must always prove his case in racial voting discrimination cases, except in cases arising under Section 5 of the Voting Rights Act of 1965, not applicable here. *Romé v. United States*, 446 U.S. 156 (1980); *Beer v. United States*, 425 U.S. 130 (1976). In *Bolden*, this Court held that a plaintiff in alleging voting discrimination on account of race “must prove that the disputed plan was ‘conceived or operated’ as [a] purposeful devic[e] to further racial . . . discrimination”, 446 U.S. at 66, and noted that in *White v. Regester*, 412 U.S. 755, (1973) it held that

the plaintiffs had been able to "produce evidence to support findings that the political processes leading to nomination and election were not equally open to participation by the group(s) in question"....In so holding, the Court relied upon evidence in the record that included a long history of official discrimination against minorities as well as indifference to their needs and interests on the part of white elected officials. *Id.*

Karcher, the other case relied upon by the court below in shifting the burden of proof, was not a Fourteenth Amendment challenge to state legislative districting but an Article I, section 2 challenge to Congressional districting with an entirely different standard of proof. *Karcher* holds that as between two standards—equality or something less than equality—only the former reflects the aspirations of Article I, section 2. 103 S.Ct. at 2659.

The burden shifted to the state in *Karcher* to justify its Congressional redistricting plan under Article I, section 2 where it could present no acceptable justification for its population variance, and where an alternate plan approved by the court had greater population equality and did not pit incumbents of the minority party against each other. The court below incorrectly assumed that the burden also shifted to the State of Indiana to justify its Acts against a claim of political gerrymandering under the Equal Protection clause of the Fourteenth Amendment, even though the population variances were *prima facie* constitutional and needed no justification, and neutral criteria recognized by this Court in many cases were scrupulously followed.

The alternate plans offered by the Plaintiffs in 1982, after the Acts had been considered and passed in 1981 (Plaintiffs' Exhibits 24, 25), could not possibly allow a presumption against the constitutionality of the Acts because they do not even purport to follow the same neutral

criteria as the Acts themselves. The impact on Black voting strength of the Crawford Plan is only known in fifteen of the forty districts it created. (Plaintiffs' Exhibit 215, p. 6.) The impact on Black voting strength in any of the forty-five Senate districts in the Carson Plan not listed in Plaintiffs' Exhibit 215, p. 7, is also not known. The Crawford Plan changed multi-member districts to single member districts but used the same single member district lines as the House Plan (Mangus Deposition Exhibit 5) which were severely criticized by the court below (Appendix at A-14 — A-17, A-28 — A-29), and it also created unusual district shapes to maximize Black representation in Marion, Lake and Allen Counties (Plaintiffs' Exhibits 202, 207 and 212; Defendants' Exhibits QQ, RR) that were not acceptable or approved by the court below (Appendix at A-20). The Carson Plan did not even purport to concern itself with preserving Black voting strength throughout the State of Indiana, and also created unusual shapes in Marion, Lake and Allen Counties to maximize Black representation (Plaintiffs' Exhibits 204, 209 and 214) that also were not accepted or approved by the court below. *Id.* In sum, the court's shift of the burden of proof to the State was without justification and was erroneous.

IV. The Remedy is Overbroad

The court below made no specific finding of any unconstitutionality in the Senate reapportionment Plan. The opinion referred only to the House Plan as Exhibit A (Appendix at A-14, A-29) and to specific House districts. There is no reference to any specific Senate district that in any way violates any of the neutral criteria established by the decisions of this Court. There are no multi-member districts in the Senate. No incumbents of the party claiming to be disadvantaged were placed in the same Senate district, which was the basis of the political gerrymandering charge in *Karcher*. The 1982 election resulted in proportional representation of the two political parties in the Senate (Appendix at A-44). In short, the court's opinion did not find, and could not have found, any

unconstitutional political gerrymandering in the Senate Plan.

Nevertheless, the court's remedy swept broadly over the Senate Plan as well as the House Plan. Appellants obviously cannot correct any perceived deficiencies in the Senate apportionment plan when none are stated or exist. Accordingly, the injunction is overbroad in its coverage of the Senate Plan and should be vacated.

CONCLUSION

In his separate opinion addressed to Appellants' motion to modify the Order, Judge Pell appropriately characterized the opinion of the court below as one which "roams far and wide into untrod territory with no previous guidelines or prior decisional constitutional justification." (Appendix at A-64) Moreover, the new constitutional doctrine announced by the court was unnecessary since the court's findings and evidence do not support a conclusion of unconstitutionality even under this new rule. For the reasons outlined in this Statement, this Court should note probable jurisdiction of this appeal.

Respectfully submitted,

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Appendix

APPENDIX A

OPINION BELOW

UNION STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IRWIN C. BANDEMER, OBI)	
BADILI, RA-NELLE)	
PEARSON, GEORGE WOMACK)	
JR., EDWARD O'REA, JOHN)	
HIGBEE, DAVID SCOTT)	
RICHARDS,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	CAUSE NO.
)	IP 82-56-C
SUSAN J. DAVIS, JOHN)	
LIVENGOOD, and THOMAS)	
S. MILLIGAN, as members)	
of the Indiana State Election)	
Board; LAURIE POTTER)	
CHRISTIE, as Executive)	
Director of the Indiana)	
State Election Board; and)	
EDWIN J. SIMCOX, Secretary)	
of State of the State)	
of Indiana,)	
)	
<i>Defendants.</i>)	
)	
*****)	
)	

INDIANA N.A.A.C.P. STATE)
 CONFERENCE OF)
 BRANCHES; INDIANAPOLIS)
 BRANCH, N.A.A.C.P.;)
 FORT WAYNE BRANCH)
 N.A.A.C.P.; GARY BRANCH)
 N.A.A.C.P.; EAST CHICAGO)
 BRANCH THOMAS BUNNELL:)
 EDWARD RICHARDSON;)
 JAMES E. CLARK; BERVIN)
 E. CAESAR; ELIZABETH)
 DOBYNES; DR. BENJAMIN)
 GRANT; JOHN STOTT; and)
 EUNICE ROPER ALLEN,)
Plaintiffs.)
 v.)
) CAUSE NO.)
) IP 82-164-C)
 ROBERT D. ORR, Governor, State)
 of Indiana; SUSAN J. DAVIS,)
 JOHN LIVENGOOD, and)
 THOMAS MILLIGAN, Members,)
 Indiana State Election)
 Board; LAURA POTTER)
 CHRISTIE, Executive Director,)
 Indiana State Election)
 Board; EDWIN J. SIMCOX,)
 Secretary of State, State)
 of Indiana; J. ROBERTS)
 DAILEY, Speaker, Indiana)
 House of Representatives;)
 ROBERT D. GARTON, President)
 Pro Tem, Indiana State Senate;)
 RICHARD MANGUS, Chairman,)
 Standing Committee on Elections)
 and Apportionment, House of)
 Representatives and CHARLES)

BOSMA, Chairman Standing)
 Committee of Legislative)
 Apportionment and Elections,)
 State Senate,)
Defendants.)

Before PELL, Senior Circuit Judge, NOLAND, Chief District Judge, and BROOKS, District Judge.

OPINION

JAMES E. NOLAND, Chief District Judge and GENE E. BROOKS, District Judge.

These Findings of Fact and Conclusions of Law are entered in the above-captioned causes in memorandum form, pursuant to Rule 52(a), Federal Rules of Civil Procedure.

These lawsuits were heard by a three-judge panel appointed by The Honorable Walter J. Cummings, Chief Judge, Seventh Circuit, United States Court of Appeals. United States Circuit Judge Wilbur F. Pell, Jr., presided over the panel which heard testimony on October 12, 1983, and November 16, 1983, in addition to the admission of several maps and documents as evidence in the cases. Oral arguments on behalf of all parties were heard January 23, 1984 after submission of post-trial briefs.

Both lawsuits were heard pursuant to 28 U.S.C. §2284 which requires the appointment of a three-judge panel when legislative reapportionment is challenged. On January 23, 1984 the panel announced unanimously that while its opinion would be entered as soon as possible, the effective date of the decision would be subsequent to the conduct of the 1984 election.

PARTIES-COMPLAINTS

On January 12, 1982, the IP 82-56-C lawsuit was filed in the Southern District of Indiana, Indianapolis Division, by seven (7) plaintiffs, all stipulated as citizens of Indiana and members of the Democratic Party: Irwin C. Bandemer, Obi Badili, Ra-Nelle Pearson, George Womack, Jr., Edward O'Rea, John Higbee, and David Scott Richards. The defendants in the lawsuit (hereinafter referred to as the "Bandemer case") were Susan J. Davis, John Livengood, and Thomas S. Milligan, members of the Indiana State Election Board; Laurie Potter Christie, Executive Director of the Indiana State Election Board; and Edwin J. Simcox, Secretary of State for the State of Indiana.

On February 2, 1982, the IP 82-164-C lawsuit was filed in the Southern District of Indiana, Indianapolis Division, by five (5) organizations—The Indiana N.A.A.C.P. State Conference of Branches, along with the individual branches from the cities of Indianapolis, Fort Wayne, Gary, and East Chicago—and eight (8) individual citizens of Indiana: Thomas Bunnell, Edward Richardson, James E. Clark, Bervin E. Caesar, Elizabeth Dobynes, Dr. Benjamin Grant, John Stott, and Eunice Roper Allen. The defendants in the lawsuit (hereinafter referred to as the "NAACP case") include Indiana Governor Robert D. Orr, Indiana Speaker of the House J. Roberts Dailey, Indiana Senate President Pro Tem Robert D. Garton, the chairmen of the legislative committees on elections and apportionment, Richard Mangus and Charles Bosma, and all defendants previously listed in the Bandemer case. The panel ruled both cause numbers would be consolidated for all purposes, including trial, by order dated May 3, 1982.

In summary, the Bandemer case plaintiffs allege that the Indiana apportionment law enacted by the state legislature and signed by the Governor into law in 1981 was intended to, and does, discriminate against Indiana Democrats. They claim that such is a violation of Fourteenth

Amendment guarantees of equal protection as well as Indiana constitutional prohibitions against treating electors unequally (Ind. Const. art. 2, §1) and unnecessary division of counties in Senate districting (Ind. Const. art. 4, §6).

In summary, the NAACP case plaintiffs allege the House redistricting plan included in that 1981 apportionment act and amendments thereto intentionally fragments black population concentrations in Lake and Marion counties.

THE INDIANA LEGISLATURE

The Indiana Constitution provides for a bicameral state legislature which is denominated "the General Assembly" and consists of a House of Representatives and a Senate. Ind. Const. art. 4, §1. The Indiana Senate (hereinafter "the Senate") consists of fifty (50) members representing identified districts of the state. Apportionment of those districts is done by legislative act and signed by the Governor into law. The members of the Senate serve four-year terms. The terms are staggered in that only one-half of the members are subject to re-election during a traditional even-numbered general election year. The Indiana House of Representatives (hereinafter "the House") consists of one hundred (100) members who also represent identified districts in the state. Apportionment of those districts also is done by legislative act and signed into law by the governor. The members of the House serve two-year terms, thus placing the entire membership in elections every two (2) years.

The state legislature (referred to as the "General Assembly" in future references to the combined legislature) meets for a finite term of days. In other words, the General Assembly is not a full-time legislature. A "regular session" of the General Assembly occurs during the first calendar year of a two-year term. Thus, in odd-numbered years, the General Assembly meets in a "regular

session". By law, the General Assembly may convene for sixty-one (61) session days, but in no event may it conduct business beyond April 30. During the second year of the two-year term, an even-numbered year, the General Assembly is empowered to meet for thirty (30) session days. The session may not extend beyond March 15. See, Ind. Code §§2-2.1-1-1(a), 2-2.1-1-3. The Governor is empowered by the state's constitution to call the General Assembly into special session, regardless of the other restrictions on the length and time of session. Ind. Const. art. 4, §9.

The Indiana Constitution also requires the General Assembly to authorize a "periodical enumeration" of the state's population and authorizes that legislative body to apportion representation thereafter. Traditionally, the state makes use of the federal decennial census compilations in performing reapportionment.

Control of the General Assembly is crucial to a political party for a number of reasons. The majority party elects the Speaker of the House, a person who wields considerable power in the assigning of bills to committees, the conduct of the actual legislative sessions, and is empowered, under legislative rules, to prevent bills from reaching the floor for debate or vote. Similarly, the majority party elects floor leaders in both houses who control the flow of legislation, the assignment of members to committees, and the appointment of committee chairmen. All of these powers are important to the achievement of a party's legislative goals. There is little doubt that the minority party plays a less substantial role in the drafting and enactment of legislation.

1981-1982 REAPPORTIONMENT LEGISLATIVE PROCESS

Among the issues raised in both lawsuits is the process by which the General Assembly enacted reapportionment laws in the 1981 and 1982 sessions. Following the 1980 census conducted by the United States Census Bureau, the

General Assembly commenced the process of reapportioning the state based on compilations it received from that agency.

On February 13, 1981, House Bill 1475 (H.B. 1475) was introduced in the Indiana House as being relevant to reapportionment. Similarly, Senate Bill 80 (S.B. 80) was introduced on February 24, 1981. These bills are characterized as "vehicle bills." The actual bills filed in the legislative houses were devoid of significant content. For instance, the House bill sought to amend the definitional section of reapportionment law for that body. There was no description of districts and the bill itself was quite brief. The substance appeared to be only a 12-line paragraph. A similar bill containing three (3) paragraphs was introduced as S.B. 80. The bills were passed in that form and were referred to the other house where amendments were made. In practical terms, the bills were blank, the amendments insignificant, and the sole purpose for this contrived legislative process was to refer both bills to a conference committee.

The political structure of the conference committee introduces a crucial element into the legislative scheme chosen by the Republican majority in both houses of the General Assembly. All conferees were Republicans—State Senators Charles E. Bosma and James Abraham and State Representatives Richard W. Mangus and Norman L. Gerig. All were members of their legislative body's respective elections and apportionment committees. The lone Democrats with any input in the conference process were four persons appointed as "advisors": W. Wayne Townsend, Julia M. Carson, Lindel O. Hume, and Thomas S. Kromkowski. The Democratic advisors had no committee vote and no access to the mapmaking process that ensued.

To aid in the process of legislative mapmaking, the Republican State Committee, a political organization, contracted with a Detroit, Michigan computer firm,

Market Opinion Research, Inc. (hereinafter "MOR"). The Republican State Committee paid Two Hundred Fifty Thousand Dollars (\$250,000.00) for MOR's services and the computer equipment was housed in State Committee headquarters. There was limited access to the equipment and its output, and no minority party members ever had access to the information provided to MOR or to the various outputs from the computers.

Meanwhile, the minority party members did have census compilations provided by the United States Census Bureau from which they began drawing their own map, albeit by less sophisticated means than their Republican counterparts. During these early months of 1981, there were no hearings of any kind with respect to reapportionment. The majority party, through its conference committee, revealed the product of the MOR-aided map drawing during the last week of the regular session. At the same time, the Democrats revealed their proposed maps, introduced by black legislators Rep. William Crawford and Sen. Julia M. Carson (hereinafter referred to as the "Crawford Plan" and the "Carson Plan"). These alternative plans are relevant to both the Bandemer and NAACP cases.

The process underlying the reapportionment proceedings was fiercely competitive and unashamedly partisan. There is a clear impression that the majority party felt insulated from challenge merely by adherence to the "one-person, one-vote" principle, which they could easily follow with the aid of a computer. The result of that attitude is revealed in the remarkably candid statements of both Speaker Dailey and Senator Bosma in their deposition testimony:

MR. SUSSMAN: What I would like you to do here again is to give me whatever reasons were operative to your mind in maintaining or creating multi-

member districts with regard to (Districts) 48 through 52.

MR. DAILEY: Political.

MR. SUSSMAN: What were the political factors?

MR. DAILEY: We wanted to save as many incumbent Republicans as possible.

* * *

MR. SUSSMAN: This (newspaper) article says further, "Under further questioning from Townsend about input in actual map drawing, Bosma said 'You will have the privilege to offer a minority map. But I will advise you in advance that it will not be accepted.' Is that accurate?

MR. BOSMA: That's accurate. I might add that I don't make goals for the opposite team.

After a limited floor debate, the conference committee report was introduced for vote in both houses of the General Assembly on April 30, the final day of the 1981 regular session. The Senate adopted the report (Roll Call 673) along party lines, 33-15. The House similarly adopted the report (Roll Call 844) along party lines, 59-40. The Indiana Journal reports comments by Senator Townsend for April 30, 1981 that the Democrats had only 40 hours to review the districting of more than 4,000 precincts. The Governor signed the bill into law on May 5, 1981. The matter was then settled until the following year when, during the 1982 short session, certain revisions were made to add parts of the state to districts which had been wholly omitted in the 1981 legislation.

THE REDISTRICTING PLAN

The result of the General Assembly's work is evident to the Court through a number of exhibits and maps. Fifty

(50) districts were drawn for the Indiana Senate; seventy-seven (77) districts were drawn for the Indiana House. The House districts are comprised of sixty-one (61) one-member districts, nine (9) two-member districts, and seven (7) three-member districts. (See attached Court Exhibits A and B, the House and Senate Districts, respectively, as supplied by the Indiana Legislative Council.)

The districting was not a "nested" plan, that is, the House districts drawn are not at all relevant to the Senate districts. A true "nested" plan would include, for example, two House districts within one Senate district. The districts for each house in the General Assembly were drawn independently of each other, making it at least possible that citizens represented by the same House member might well be represented by different Senate members.

There is no evident pattern to the redistricting plan. No clear policy statements are evident to the Court from either the debate on the bills or the documents presented to the Court. The deposition testimony of the legislative principals involved makes clear that Supreme Court guidelines summarized as "one person-one vote" were carefully followed. The defendants also now state that a policy of "no retrogression" also guided the decisions made by the legislative mapmakers. "No retrogression" was an effort to preserve the constituencies for black members of the General Assembly that existed prior to the 1980 census. The census figures revealed a certain migration of minority citizens from inner city areas in which they had commanded considerable voting strength.

The common denominator in the districting is the precinct. Although township lines have been observed in most instances, township lines also were bisected on occasion.

The population deviations between districts in the House plan was 1.05 percent; the population deviation in the districts of the Senate plan was 1.15 percent.

A. Impact of the Redistricting Plan on Democrats (the Bandemer plaintiffs).

Indiana is historically a "swing" state which has been generous in its support of both Democrats and Republicans, dependent largely on national trends, the parties' candidates for nationwide office, and the major candidates for statewide office. As a consequence, Democrats scored substantial victories in 1974, 1964, and 1958 when up to 56 percent of the state's vote went to Democratic candidates. Similarly, Republicans scored large victories in 1980, 1972, and 1956 (all landslide years for Republican presidential candidates) when up to 58 percent of the state's vote went to Republican candidates. The Court finds these figures to be credible evidence of flux in Hoosier political emotions.

Statistics introduced in the instant case have compelled scrutiny by the Court. The parties have presented voluminous statistical data and argue the figures support their positions in this lawsuit. This Court does not wish to choose which statistician is more credible or less credible. Instead, the Court refers to some basic statistical foundations which appear credible and reliable in making determinations about the impact of the '81-82 redistricting plan on Democratic candidates.

Most significant among these many statistical figures is the fact that in 1982 Democratic candidates for the Indiana House earned 51.9 percent of all votes cast across the state. However, only 43 Democrats were elected to seats. The State argues that it is possible that this disparity is explained by the Republicans fielding better candidates or other factors which make the outcome of such elections sensitive to the interests of the voters and the issues of the day. The Court would readily concede this possibility, but the disparity between the percentage of votes and the number of seats won is, at the very least, a signal that

Democrats may have been unfairly disadvantaged by the redistricting.

In addition, there has been dispute between these parties about what constitutes a competitive race, i.e., an election close enough to be determined by candidate personality and positions rather than party loyalty. The Republicans argue that any race between 40 and 60 percent constitutes a "competitive" race; the Bandemer plaintiffs contend that, given Indiana's history of party-line voting (a fact to which the defendants' expert conceded in his testimony), a 45-55 percentage range is a more apt definition of "competitive" in Indiana politics. The Court would agree that the latter figure is more realistic in light of the facts and political history.

The 1982 legislative elections, which were conducted according to the districting challenged in this lawsuit, yielded the following results:

- In the Indiana House, all 100 seats were up for election. Seventeen candidates ran unopposed. Democratic candidates received 872,430 votes statewide, or about 51.9 percent of the vote. Republican candidates received 808,681 votes statewide, or about 48.1 percent of the vote. Fifty-seven Republican candidates were elected to serve in the Indiana House; forty-three Democrats were elected to the House.
- In the Indiana Senate, 25 seats were up for election. Democratic candidates received 454,849 votes statewide, or about 53.1 percent of the vote. Republican candidates received 402,492 votes, or about 46.9 percent of the vote. Thirteen Democrats and twelve Republicans were elected to Senate seats.

As the defendants' expert testified, such figures can be deceiving. Voter concentrations, particularly of Democrats in urban areas, can make compilations of *total* vote for a

particular party's candidates across the state misleading. A heavy turnout of Democratic voters in a heavily Democratic area of the state can skew these total vote figures. For example, a Democratic candidate who wins by a large percentage in a given district wins one seat, but two Republicans who win by much smaller majorities in other districts have been elected with considerably smaller expenditure of votes. If the votes were totaled for all three races, it is conceivable that Democratic candidates may have earned the most votes, but that two Republican candidates have been elected compared to one Democrat. Thus, this kind of vote analysis presents dangers of misrepresentation. However, the Court believes this kind of analysis to present the precise problem to which the Bandemer plaintiffs refer. In short, the majority party has been able to draw maps which will permit it to win close races in certain districts by "stacking" Democrats into a minority of districts where their strength is overpowering. There is little doubt that a well-programmed computer, full of the most recent election results in Indiana's 4,000-plus precincts, can aid in the drawing of lines advantageous to the party in power. As a result, the figures before the Court, even when looked upon with restraint, would seem to support an argument that there is a built-in bias favoring the majority party, the Republicans, which instituted the reapportionment plan. No party to this lawsuit has attempted to state that the figures have any value as a predictor of future election outcomes, and the Court makes no such reading of the statistics. However, even the suspicion of this kind of built-in bias against the Democrats, represented by these plaintiffs, arouses the Court's concern and urges a closer look at the circumstances surrounding the passage of this reapportionment plan.

B. The Shapes of the Districts as a Factor in the Court's Analysis

The Court acknowledges the historical existence of so-called "gerrymandering" of districts, a device which has been used by both major political parties and which is claimed to have occurred in this case by the Bandemer plaintiffs.

The approach used by the majority party in this instance presents a new twist, however, in that sophisticated computer equipment obviously provided more flexibility to the mapmakers.

There is dispute as to whether parties responsible for the reapportionment plan considered "community of interest" in their line drawing enterprise. Senator Bosma, in his deposition testimony, said that "community of interest" was such a consideration. The results of the reapportionment maps would appear to undercut that assertion. This Court's understanding of "community of interest" would be, generally speaking, the inclusion of citizens in a given legislative district who share a geographic area, with similar concerns and needs to be met by their state legislators. A scrutiny of the maps instituted by the General Assembly discerns a lack of any *consistent* application of "community of interest" principles. For instance, it is difficult to conceive the interests shared by blacks in Washington Township and white suburbanites in Hamilton and Boone counties, or the shared interest of Allen and Noble county farmers with residents of downtown Fort Wayne. The Court, however, acknowledges that some diversity will be unavoidable where urban, suburban and rural interests are in physical proximity and where adherence to "one person, one vote" make such "melting pots" necessary. There are examples in the present maps which call the Court's attention to such phenomena. The best examples of these unusual shapes are in the House plan. (See Court Exhibit A.)

We first examine Marion County to explore this absence of "community of interest" and the existence of unusual shapes in these districts. The 51st House district is heavily Democratic and elected three Democrats to the Indiana House seats in 1982. The remainder of the county, while also populated with areas of less heavy Democratic support, was won by Republican candidates in 1982. These less heavy Democratic pockets have been split by the mapmaker to reduce the influence these voters wield. The urban Democrats who were not included in the 51st District have thus been divided into the 50th District (covering east and northeastern portions of the county), the 52nd District (south and southwest), and the 48th District (west). The shapes are unusual for a number of reasons, notably because of the necessity of adding townships from contiguous counties to preserve the 15-seat Marion County delegation to the Indiana House despite a population decrease.¹ These districts are particularly suspect with respect to compactness. District 48 presents the most grievous example of the political cartographer's handiwork in this case. District 48 forms the letter "C" around the central city of Indianapolis. The district includes portions of the urban southwestside of the city, the airport and suburban area around Ben Davis High School on the west side, and the Meridian Hills area at the northern part of the county. There is simply no conceivable justification for this kind of district, even though the district meets the requirements of "one person, one vote."

There appears to be no consideration of existing political subdivisions in the districting. District 66 is a good

¹As the Bandemer plaintiffs noted, Marion County's population constituted a so-called "perfect" figure from which 14 House seats and 7 Senate seats could have been carved to meet the population goals of "one person, one vote". Instead, the powerful Marion County delegation forced neighboring counties to cede turf to permit a preservation of the multi-member districts which had consistently returned Republicans to the Statehouse.

example of this situation. The district begins in the southwest townships of Bartholomew County, includes ten of the twelve townships in Jackson County, includes one township in Jennings County, goes through a narrow passage by taking in Johnson and Lexington townships in Scott County, then expands into Clark County until reaching the state border at the Ohio River. District 42 fills a narrow portion of the state beginning with northern Vigo County at the southern most point and extends approximately 50 to 55 miles north to include one township (Hickory Grove) of Benton County. Along the way, the district picks up one northwest township of Parke County, splits Fountain County, and includes all of narrow Vermillion County.

The west central portion of the state also provides an example of the precinct being the common denominator in the mapmaker's scheme. For instance, Districts 43 and 44 split Lost Creek Township in Vigo County.

To the south, another strange districting choice is apparent. Examining Districts 45 and 46, it is evident that Sullivan, the county seat of Sullivan County, is severed from all but one of the county's nine townships. Sullivan shares a House district with only one township to the north. The remainder of the townships share a House district with neighboring Knox County.

Allen County, where multi-member House districts are used, bisects Democratic strength in the urban area (the motivations for which are examined below). Moreover, once the Senate district lines are added to maps with House district lines and county lines, the intersection of lines and districts merely amplifies what must be confusion to the citizens of that county.

Therefore, it is apparent to the Court that the shapes of many of the districts, with particular emphasis on the House plan, are often contorted, with little apparent emphasis on "community of interest", do not adhere to any

remote definition of compactness, and likely have resulted in confusion to voters.

C. Motivations for the Districting Plan Adopted in 1981-1982

The principal consideration apparent in the results of the reapportionment legislation and in the testimony of the legislative architects of the plan was adherence to "one person, one vote." It is quite clear that this was an unavoidable constitutional consideration in light of United States Supreme Court decisions. In addition, there is evidence to support the defendants' contention that the concept of "no retrogression", that is, maintaining the black representation in the General Assembly that existed prior to the new districting plan, also was of concern to legislators. As should be clear from the other fact-findings, there was no apparent concern for either "community of interest" or compactness of districts.

Other motivations also are evident, most notably an effort by the majority party to insulate itself from risk of losing its control of the General Assembly. Speaker Dailey and Senator Bosma, as noted earlier, make no apology for this effort. There is no refuting that the Republican majority focused on protecting its incumbents and creating every possible "safe" Republican district possible, and that this was achieved by either "stacking" Democrats in districts where their majority would be overwhelming or by "splitting" any Democratic Party power with district lines, thus giving Republican candidates a built-in edge, even in competitive districts. While not surprising as a part of the "political game", its effect must be viewed and tested with regard to constitutional guidelines.

The defendants have further argued that "proportionality" also was a consideration. This argument insists that black representation under the '81-82 plan equals the proportion of black citizens now living in Indiana. This argument is similar to the "no retrogression"

argument and, furthermore, seems to represent hindsight and chance—an argument asserted after the accidental fact of proportional representation.

D. Use of Multi-Member Districts.

The Bandemer and NAACP plaintiffs allege that the use of multi-member districts in drawing the House maps unconstitutionally impinges upon their franchise rights. In reviewing these contentions, the Court has found that the disadvantaging effect of the plan's multi-member districts falls particularly hard and harsh upon black voters in the state.

It is evident to the Court that blacks in this state for a number of years have had an identifiable and predictable tendency to vote for Democratic candidates and also have a tendency to vote as a bloc. Because blacks comprise 8 percent of the state's population and occupy, for the most part, the urban areas of the state, they also find themselves in multi-member districts under the House plan adopted in '81-82. Of Indiana's total population, 39 percent of its citizens are multi-member districts. Among blacks, 81.2 percent of the population resides in multi-member districts. An estimated 65 percent of the white population, by comparison, resides in single member districts. In addition, other evidence indicates that only 43 percent of the blacks living in multi-member districts live in a so-called minority/majority district, i.e., they reside in a district where blacks comprise a majority of the voters.

During the legislative process leading to these reapportionment plans, several members of the House were contacted about the continuation of multi-member districts. This was done particularly for those incumbents who represented multi-member districts. In at least one instance, all members representing an existing multi-member district chose to break up that area into single member districts. The legislative leaders agreed to do so where all members representing that district were in

agreement. The other justifications for continuing the multi-member district approach have been discussed. It is obvious that political considerations figured highly in the perpetuation of this sort of districting approach.

Multi-member districts are confined to urban areas, but there is no particular pattern which is applied consistently. Some major cities are included in multi-member districts, others are not. No particular consideration was given to existing political boundaries. The history of multi-member districts in Indiana is sketchy. Multi-member districts have been in use during this century, but it was not until 1972 that areas larger than a county were so apportioned to create a House district. Deviation from this approach is most evident in the '81-82 plan where Marion County representatives convinced legislators to include neighboring townships in other counties in their districts to preserve the 15-person delegation to the House.

The multi-member district approach is particularly effective in "stacking" blacks into large majority districts and fragmenting their population among other districts. An alternative plan was presented to the General Assembly by Representative Crawford which would have eliminated all multi-member districts and created 100 single-member districts. The plan was virtually ignored by the majority party in the legislative proceedings. Among the results of the 1981-82 legislative reapportionment is that 46.6 percent of the populations of the House districts which primarily encompass Marion and Allen Counties, among the state's most populated, are Democrats, or at least have Democratic voting tendencies. Yet, under the plan adopted in 1981-82, and after the 1982 election, 18 Republicans filled the 21 House seats representing those two counties (and those portions of other counties into which the relevant district lines meander). All were part of multi-member districts. Thus, the Republicans enjoy approximately 86 percent of the House seats apportioned to the populations of

Marion and Allen Counties, of which 46.6 percent are identifiable as Democratic voters. The court feels that such a disparity speaks for itself.

COURT'S ANALYSIS AND CONCLUSIONS OF LAW

The Bandemer plaintiffs contend they are entitled to relief under the Equal Protection Clause of the Fourteenth Amendment and provisions of the Indiana Constitution. They challenge the legislature's 1981-82 reapportionment on the grounds that it constitutes political gerrymandering and as such violates the plaintiffs' constitutional rights under the Equal Protection Clause of the Fourteenth Amendment. As such, the plaintiffs' action alleges partisan discrimination under the Fourteenth Amendment. This Court finds that, upon the evidence herein, political gerrymandering did occur and the Bandemer plaintiffs were disadvantaged thereby. Further, the Court finds that the Bandemer plaintiffs are entitled to redress under the Equal Protection Clause of the Fourteenth Amendment.

The NAACP plaintiffs allege that the House and Senate redistricting plans intentionally fragment black population concentrations in violation of the Fourteenth and Fifteenth Amendments and perpetuate the effective dilution of black voting strength in violation of Section 2 of the Voting Rights Act of 1965, 42 U.S.C. §1973c (as amended 1982).

In regard to these contentions, the Court has determined that the voting efficacy of the NAACP plaintiffs was impinged upon because of their politics and not because of their race. It is not in dispute that blacks in this state vote overwhelmingly Democratic. Partisan considerations did motivate the Indiana legislature in the 1981-82 redistricting, as the Court has found. The implementations of those considerations had a significantly adverse impact upon black voters, because they characteristically align

themselves to the Democratic party, but not because of their race. Therefore, the Court does not find violations of the Fifteenth Amendment or the Voting Rights Act as argued by the NAACP plaintiffs. Rather, the infirmities which reside in 1981-82 redistricting plan arise under the Fourteenth Amendment's fundamental equal protection guarantee of fair and effective representation. The relief thus ordered below with regard to the Bandemer plaintiffs, as discussed below, also accords to the NAACP plaintiffs that relief to which they are entitled under the facts herein.

The Supreme Court has yet to address directly the constitutional ramifications of a political gerrymander in the context of a state legislative reapportionment. This Court, in so finding a violation of the Fourteenth Amendment, has been persuaded by the analysis of political gerrymandering in Justice Stevens' concurrence in *Karcher v. Daggett*, ____U.S____, 103 S.Ct. 2653 (1983).

By utilizing the analysis in the *Karcher* concurrence, in conjunction with the Court's well-established standard of proof for invidious discrimination as set forth in *City of Mobile v. Bolden*, 446 U.S. 67, 100 S.Ct. 1490 (1980), this Court finds that the 1981-82 state reapportionment invidiously discriminates against the plaintiffs. The plaintiffs' right to vote, as secured by the Equal Protection Clause, is impinged upon by partisan gerrymandering, which constitutes a violation of the Equal Protection Clause under the facts proven herein.

The constitutionality of state legislative reapportionments is governed by the Equal Protection Clause of the Fourteenth Amendment, as applied in *Reynolds v. Sims*, 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964) and its progeny. As stated by the *Reynolds* Court, "the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any

alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized." *Reynolds, supra*, at 561, 562, 84 S.Ct. at 1381.

Reynolds and subsequent cases dealing with state reapportionment have generally arisen out of challenges to the numerical equality of the citizen's right of suffrage. In *Reynolds* the Court enunciated the equal protection test that districts in state reapportionments be "as nearly of equal population as is practicable," *Reynolds, supra*, at 577, 84 S.Ct. at 1390. See *Brown v. Thomson*, ____ U.S. ___, 103 S.Ct. 2690 (1983). Accordingly, the focus of constitutional inquiry has been upon population equality among districts composing an apportionment plan. Deviations from population equality have been the basis in large part for the challenges to state reapportionment plans. Challenges have also been for unconstitutional vote dilution of blacks. See *Rogers v. Lodge*, 458 U.S. 613, 102 S.Ct. 3272 (1982).

The Bandemer plaintiffs allege that their voting rights as Democrats have been unconstitutionally diluted by the 1981-82 reapportionment. Although no apportionment plan has yet been found unconstitutional because it so discriminated against a political group, the Court has recognized that under the proper facts the Equal Protection Clause accords protection to individuals who are being discriminated against because of their political affiliation, or factors other than race, as each voter is entitled to fair and effective representation. See *Rogers v. Lodge*, 458 U.S. 613, 102 S.Ct. 3272 (1982); *Gaffney v. Cummings*, 412 U.S. 735, 93 S.Ct. 2321 (1973); *White v. Regester*, 412 U.S. 755, 93 S.Ct. 2332 (1973).

Political gerrymandering has been defined as "the deliberate and arbitrary distortion of district boundaries and populations for partisan or personal political purposes," *Karcher* at 2689 (J. Powell dissenting (quoting *Kirkpatrick v. Preisler*, 394 U.S. 526, 538, 89 S.Ct. 1225, 1232 (1969) (Fortas, J. concurring)). Political

gerrymandering may be effected by "stacking" individuals of a cognizable political affiliation together in one district or by "cracking" or "splitting" the same among several districts. By either method, the ability of the targeted group to elect representatives according to their proportion of the population is diminished. As such, the constitutional impairment lies not in any inequality among voters per district, but rather in the shapes of the districts as they serve to disadvantage a cognizable class of voters. Thus the configuration of the districts is where attention must be focused, rather than upon the population count therein. (See the Court's description of district shapes at pp. 15-19, *supra*, and the Court's *Exhibit A*.) In fact, several Justices have espoused their belief that undue emphasis on numerical equality may permit obvious partisan gerrymandering. *Karcher*, at 2670, 2683, 2688 (Stevens, J. concurring, White, J. dissenting, Powell, J. dissenting, respectively).

The Supreme Court has determined that discriminatory purpose is a required element of a vote-dilution claim under the Equal Protection Clause of the Fourteenth Amendment. In *City of Mobile v. Bolden*, 446 U.S. 55, 100 S.Ct. 1490 (1980), black voters challenged an at-large election system of municipal elections. The plaintiffs' action was based in part on the Fourteenth Amendment. The District Court found the system to be unconstitutional thereunder.

The Supreme Court found that a violation of the Fourteenth Amendment had not been established, and in so holding, discussed the level of proof necessary to establish such a claim as racial gerrymandering. "[L]egislative apportionments could violate the Fourteenth Amendment if their purpose were invidiously to minimize or cancel out the voting potential of racial or ethnic minorities.... To prove such a purpose it is not enough to show that the group allegedly discriminated against has not elected representatives in proportion to its numbers.... A

plaintiff must prove that the disputed plan was 'conceived or operated as [a] purposeful device to further racial...discrimination...' *Mobile v. Bolden*, *Id.* at 66, 100 S.Ct. at 1499 (1980). (Citation omitted.) Disproportionate effects alone will not establish a claim of unconstitutional vote dilution.

This Court concludes that the same standard applies where political gerrymandering is alleged. The Court finds that the Bandemer plaintiffs have set forth facts sufficient to prove that the reapportionment plan was conceived to accomplish political discrimination and operated as a purposeful device to do so. (See Court's discussion of 1981-82 reapportionment legislative process, at pp. 6-10, *supra*; and impact of the redistricting plan on the plaintiffs, pp. 11-23, *supra*.) As set forth above, the Court has found that the Bandemer plaintiffs have been disadvantaged by the 1981-82 reapportionment of the Indiana legislature. The effect of the apportionment scheme enacted by the legislature was to dilute the votes of those who are aligned with the Democratic Party, the Bandemer plaintiffs. The Court is thus drawn to the conclusion that in the 1981-82 reapportionment of the Indiana legislative districts, political gerrymandering did occur and as such violated the plaintiffs' rights to equal protection.

The right to vote in a fair and effective manner is a fundamental right. The "Equal Protection Clause confers a substantive right to participate in elections on an equal basis with other qualified voters." *Mobile*, *supra*, at 77, 100 S.Ct. at 1505, citing *Dunn v. Blumstein*, 405 U.S. 330, 336, 92 S.Ct. 995, 999, *Reynolds v. Sims*, 377 U.S. at 576, 84 S.Ct. at 1389. Where political gerrymandering has occurred, this right has been unconstitutionally impinged upon. A scheme designed to insure a predestined outcome does not accord to a vote cast that equality in elective power to which it is guaranteed under the Fourteenth Amendment. Each citizen has a right not only to cast a ballot, but to have his political decision be as meaningful as any other vote. Thus

political gerrymandering is a violation of the Equal Protection Clause because it invidiously discriminates against a cognizable, identifiable group of voters.

The Supreme Court has "recognized that a voter's right to 'have an equally effective voice' in the election of representatives is impaired where representation is not apportioned substantially on a population basis. In such cases, the votes of persons in more populous districts carry less weight than do those of persons in smaller districts." *Mobile*, 446 U.S. at 78, 100 S.Ct. at 1505. The situation is no less egregious when the votes of persons "carry less weight" because they are cast for a candidate of a particular political party.

Political groups themselves do not have an independent constitutional claim to representation. *Mobile*, 446 U.S. at 78, 79, 100 S.Ct. at 1506. That is, the Constitution does not guarantee proportional representation, but the Constitution does prohibit "state action that inhibits an individual's right to vote...", *Mobile*, 446 U.S. 83, 100 S.Ct. 1508 (Stevens, J. concurring), and certainly, apportionment schemes which purposely inhibit or prevent proportional representation cannot be tolerated.

In an action alleging political gerrymandering, as in other gerrymandering situations, the plaintiffs must show a discriminatory purpose in order to prove a violation of the Equal Protection Clause. This Court finds from the evidence that the district lines were drawn with the discriminatory intent to "maximize the voting strength" of the majority Republican Party and "to minimize the strength" of the Democratic Party. (See *Mobile* at 446 U.S. 87, 100 S. Ct. 1510 (Stevens, J. concurring).) The Bandemer plaintiffs have shown that the State has acted with the purpose of impairing a political group's access to the political process, and therefore a violation of the Equal Protection Clause in the form of political gerrymandering has occurred.

The *Karcher* decision dealt with a challenge to congressional reapportionment. However, in his concurrence Justice Stevens expounded upon the indicia of gerrymandering, be it on a federal or state level. This Court finds the analysis contained therein, which outlines a cause of action for gerrymandering, to be acutely applicable to the present cases.

To prove unconstitutional gerrymandering, "plaintiffs must show that they are members of an identifiable political group whose voting strength has been diluted. They must first prove that they belong to a politically salient class, . . . one whose geographical distribution is sufficiently ascertainable that it could have been taken into account in drawing district boundaries." *Id.* at 2672 (citation omitted). The Bandemer plaintiffs clearly belong to a politically salient class, those who align themselves with the Democratic Party. Particularly with the computer technology now available, and so utilized by the Republicans in formulating the 1981-2 apportionment plan, the geographical distribution of the Bandemer plaintiffs and the class they represent is ascertainable from the voting records, precinct by precinct, throughout the state. The ability to so determine the distribution of Democratic voters has not been disputed by the defendants.

Second, the plaintiffs "must prove that in the relevant district or districts or in the State as a whole, their proportionate voting influence has been adversely affected by the challenged scheme." *Id.* at 2672. Such a "vote dilution may be demonstrated if a population concentration of group members has been fragmented among districts, or if members of the group have been over concentrated in a single district greatly in excess of the percentage needed to elect a candidate of their choice." *Id.* at 2672, fn. 13. The plaintiffs have provided such evidence, particularly with regard to the House district lines apportioning Marion and Allen counties and other districts throughout the state

referred to in our finding of facts. (See Court's discussion at pp. 12-15, *supra*.)

The third element is that the "plaintiffs must make a *prima facie* showing that raises a rebuttable presumption of discrimination." *Id.* at 2672. Under this element, *prima facie* evidence of gerrymandering can be demonstrated in several ways. One is a showing of numerical inequality, but a violation of numerical equality has not been alleged by the Bandemer plaintiffs. However, the contentions of political gerrymandering and vote dilution which the plaintiffs do raise fall precisely within examples of *prima facie* gerrymandering set forth in the *Karcher* concurrence. Evidence can be in "the shape of the district configuration themselves." *Id.* at 2672. That is, "dramatically irregular shapes may have sufficient probative force to call for an explanation . . . Substantial divergences from a mathematical standard of compactness may be symptoms of illegitimate gerrymandering." *Id.* at 2672. The present districting plan is replete with "uncouth" and "bizzare" configurations that beg for some rationale, yet the state has set forth none which justify either the shapes or the concomitant adverse impact upon the plaintiffs. Without some requirement of compactness, no restrictions exist upon the mapmaker to prevent lines which meander in search of partisan support. Further, "[t]o some extent, geographical compactness serves independent values; it facilitates political organization, electoral campaigning, and constituent representation." *Id.* at 2673 (f.n. omitted). Therefore "drastic departures from compactness are a signal that something may be amiss." *Id.* at 2674. The lack of compactness in the present plan is clearly supportive of the plaintiffs' argument that partisan considerations are unconstitutionally reflected in the redistricting lines.

Also,

[E]xtensive deviation from established political boundaries is another possible basis for a *prima facie* showing of gerrymandering. As we wrote in *Reynolds*

v. Sims, "Indiscriminate districting, without any regard for political subdivision or natural or historical boundary lines, may be little more than an open invitation to partisan gerrymandering." 377 U.S. at 579, 84 S.Ct., at 1390.

Id. at 2674.

The reapportionment plan conspicuously ignores traditional political subdivisions, with no concern for any adherence to principles of community interest. (See Court's discussion at pp. 15-19, *supra*.) Repeated examples exist of bizarre district configurations, drawn with no recognition or adherence to political subdivisions such as municipalities and counties. The Court has noted before the configurations of House Districts 45 and 46. District 46 encompasses Owen County, two townships in Clay County, four townships in Vigo County and two townships in Sullivan County. The districting tentacle that meanders into Sullivan County engulfs the City of Sullivan, which is the county seat. As a result, the electorate of the county seat is aggregated along with voters from three other counties, into a district that extends from Sullivan, through Clay and Owen Counties and into Morgan County. Concomitantly, the remaining townships of Sullivan County are in District 45, which is drawn south and contains a majority of the townships in Knox County, but not the City of Vincennes. Such is a prime example of how the reapportionment dissects communities into abstract configurations without common threads of political interest.

The Court finds no justifiable reason as to why the voters in the county seat of Sullivan should be excised from the rest of the county and located in a district which is elongated into Morgan County. The distance from the City of Sullivan to the eastern boundary of District 46 in Morgan County is approximately sixty-five miles. While Indiana is by and large a rural state, it does not have vast expanses of area with sparse population, as is characteristic of some western states. Such distances may be justified there. They

are not in Indiana. In the context of Indiana state representation, the Court does not believe that excessive distances and bizarre configurations are mandated by the geographic distribution of the state's population.

The Court does not intend to deemphasize the infirmities of other districts' shapes by elaborating upon the situation in Districts 45 and 46. Several other districts have been discussed earlier in this opinion. (See Court's discussion at pp. 15-19). District 62 contains five townships in Daviess County, proceeds north to envelop twelve townships in Green County, south again into Martin and Lawrence Counties and stretches to the southeast corner of Orange County. The distance from the northwest to southeast corners of District 62 is approximately seventy miles. District 66 twists and turns south from Bartholomew County, through Jackson County, across the southwest corner of Jennings County, detours over two townships in Scott County and finally halts in Clark County on the shores of the Ohio River. The same contorted description would be appropriate for districts 70 and 73 as well.

The Court finds that such examples of irrational mapmaking are pervasive throughout the apportionment scheme, rather than isolated events. (See attached Exhibit A and, further, House Districts 20, 22, 25 and 48. Again, the list is not meant to be exhaustive.) Such mapmaking divests the apportionment of the principles of community interest which kindle and nourish fair and effective representation.

To behold the House apportionment map is to view a districting scheme that is skewed against responsive political participation at the county level. While township lines are usually observed, the county government is the center of local affairs. If the county is so disregarded, then the voter does not have a convenient focal point upon which to apply his political activities or to observe the rewards of his efforts. Accordingly the potential for voter disillusion and nonparticipation is great, and the fundamental American principle of self-government is threatened.

The Court recognizes that the principle of "one person, one vote" cannot be subsumed by the undue fostering of "community of interest" principles such as compactness, contiguity and adherence to political subdivision lines. However, the evidence of record does not demonstrate that the district lines as they exist are necessary in order that the "one person, one vote" constitutional tenet be preserved.

The inconsistent and unexplained use of multi-member districts further calls for examination by this Court. Multi-member districts are not unconstitutional *per se*, *Whitcomb v. Chavis*, 403 U.S. 124, 158-159 (1970), yet their effect of "minimiz[ing] the voting strengths of minority groups by permitting the political majority to elect *all* representatives of the district..." has been recognized by the Court. *Rogers v. Lodge*, 458 U.S. 613, 102 S.Ct. 3272, 3275 (1982). Further, multi-member districts do "violate the Fourteenth Amendment if 'conceived or operated as purposeful devices to further racial...discrimination' by minimizing, cancelling out or diluting the voting strength of racial elements in the voting population." *Id.* In light of the recent decisions of the Supreme Court discussed above, this Court determines that this proscription applies equally as well to other distinct and identifiable minorities, whether they be political, ethnic, or economic.

The majority party through the use of multi-member districts stacked or split concentrations of black Democratic voters so that their elective power would be minimized. (See Court's discussion of multi-member districts at pp. 20-23, *supra*.) This intentional employment of multi-member districts, with their predictable disadvantaging effect upon Democratic voters, is unconstitutional when viewed with the other examples of discriminatory purpose found by this Court.

Prima facie evidence may also be shown by a lack of fairness in the procedure surrounding the legislature's enactment of the district lines.

A procedural standard, although obviously less precise, may also be enlightening. If the process for formulating and adopting a plan excluded divergent viewpoints, openly reflected the use of partisan criteria, and provided no explanation of the reasons for selecting one plan over another, it would seem appropriate to conclude that an adversely affected plaintiff group is entitled to have the majority explain its action. On the other hand, if neutral decisionmakers developed the plan on the basis of neutral criteria, if there was an adequate opportunity for the presentation and consideration of differing points of view, and if the guidelines used in selecting a plan were explained, a strong presumption of validity should attach to whatever plan such a process produced.

Karcher, at 2674-75.

The challenged plan was the product of the majority party's application of computer technology to the task of mapmaking. The minority party was wholly excluded from the mapmaking process which culminated in the present district lines. Only in the final hours of the legislative session were the details of the plan revealed to the members of the minority party. Minuscule time was available for the plan to be scrutinized, and its import debated. Rather, the minority party was intentionally precluded from participating in the process by which the present plan was drawn up. (See Court's discussion at pp. 6-10, *supra*.) Clearly, such a procedure is in degradation of the constitutional norm of fair, effective and equal representation.

Thus, this Court finds that the *Bandemer* plaintiffs have made a *prima facie* showing of discriminatory political gerrymandering in violation of the Equal Protection Clause of the Fourteenth Amendment.

The burden is then upon the State to demonstrate that notwithstanding the indicia of gerrymander discussed

above, the present "plan as a whole embodies acceptable, neutral objectives . . .", *Id.* at 2675, which negate a finding of constitutional invalidity.

In order to overcome a *prima facie* case of invalidity, the State may adduce "legitimate considerations incident to the effectuation of a rational state policy," *Reynolds v. Sims*, *supra*, 377 U.S., at 579, 84 S.Ct., at 1391, and may also

show with some specificity that a particular objective requires the specific deviations in its plan, rather than simply relying on general assertions. The showing . . . is flexible, depending on the size of the deviations, the importance of the State's interests, the consistency with which the plan as a whole reflects those interests, and the availability of alternatives that might substantially vindicate those interests yet approximate population equality more closely. *Ante*, at 2663-2664.

Id. at 2675.

The State in this case has been unable to show that the 1981-82 reapportionment is supported by adequate neutral criteria which justifies the adverse impact which the plan has upon the voting rights of the Bandemer plaintiffs. The present plan is without a "rational basis in neutral criteria." *Id.* at 2678.

The Court hereby finds that the Bandemer plaintiffs have been intentionally discriminated against by the Indiana legislature's 1981-82 reapportionment of state legislative districts. The Court makes this finding upon a determination that the Bandemer plaintiffs have shown both discriminatory intent in the enactment of the 1981-82 reapportionment plan and the discriminatory impact of the elective process which has occurred thereunder.

The Court also holds that the remedy ordered below renders moot the Bandemer plaintiffs' allegations that the

1981-82 reapportionment violates Indiana's state constitution.

ORDER

Having entered the above findings of fact and conclusions of law, this Court:

1. DECLARES and DECREES that the 1981 Indiana House and Senate legislative reapportionment acts and the 1982 amendments thereto are unconstitutional under the Equal Protection Clause of the Fourteenth Amendment.
2. ORDERS that this decision has prospective application only and this Court hereby recognizes that the November 6, 1984 election was legally held and, further, that the 1985 session of the General Assembly and its members are duly constituted under the law.
3. ORDERS that the state officers responsible for implementing the election laws and holding elections thereunder are hereby ENJOINED from holding elections pursuant to the 1981 House and Senate reapportionment acts and 1982 amendments thereto subsequent to the November 6, 1984 general elections.
4. ORDERS that the 1985 session of the Indiana General Assembly is hereby afforded the opportunity to enact legislation to redistrict the State and reapportion the legislative seats in the General Assembly in accordance with federal constitutional requirements and in compliance with this opinion.
5. ORDERS that this Court shall have and retain continuing jurisdiction over the present cases and should the 1985 Indiana General Assembly not enact a reapportionment law which is in compliance with federal constitutional requirement and the Orders of this Court, then this Court shall further act as it is deemed necessary and appropriate under the circumstances then presented to the Court.

PELL, Senior Circuit Judge, concurring in part, dissenting in part. I concur in the majority's conclusion that defendants, by designing and implementing the present redistricting plan, did not discriminate against NAACP plaintiffs in violation of either the Fifteenth Amendment or section 2 of the Voting Rights Act. I dissent, however, from the majority's decision that defendants violated the Equal Protection Clause of the Fourteenth Amendment by drawing a redistricting plan that diluted Bandemer plaintiffs' and NAACP plaintiffs' voting strength as Democrats. Because I dissent from the majority's determination that defendants' plan constituted an unconstitutional political gerrymander under the Fourteenth Amendment, I must address Bandemer plaintiffs' claims that the plan violated article II, section 1, article I, section 23, and article IV, section 6 of the Indiana Constitution. In my opinion, Bandemer plaintiffs also have failed to prove that defendants violated the Indiana Constitution by adopting this redistricting plan.

I. NAACP Plaintiffs' Claims

A. Fourteenth and Fifteenth Amendments

I concur in the majority's conclusion that NAACP plaintiffs have failed to prove that defendants, by enacting the present redistricting plan, discriminated against plaintiffs on account of their race. NAACP plaintiffs attack the redistricting plan as unconstitutional under the Fourteenth Amendment, the Fifteenth Amendment, and section 2 of the Voting Rights Act. To demonstrate unconstitutional race discrimination under the Fourteenth and Fifteenth Amendments, plaintiffs must prove that defendants intended to discriminate against them on the basis of race. *Mobile v. Bolden*, 446 U.S. 55, 62-63, 66 (1980) (plurality opinion). See also *Gomillion v. Lightfoot*, 364 U.S. 339, 346-47 (1960) (Fifteenth Amendment challenge to redrawing boundaries of Tuskegee Alabama).

I agree with the majority that the evidence in this case establishes that defendants did not intend to discriminate against plaintiffs on account of their race in drawing the redistricting plan. For this reason, NAACP plaintiffs cannot prove Fourteenth or Fifteenth Amendment claims for race discrimination. If anything, defendants attempted, through their redistricting plan, to maximize Republican voting strength and to contain Democratic voting strength. NAACP plaintiffs, therefore, may argue that defendants discriminated against them on account of their political affiliation in violation of the Equal Protection Clause of the Fourteenth Amendment. I will address that contention in Part II of this opinion.

B. Section 2 of the Voting Rights Act

Although I agree with the majority that NAACP plaintiffs have failed to establish that defendants violated section 2 of the Voting Rights Act, I disagree with the reasoning employed by the majority. Despite the fact that the majority found that the redistricting plan "had a significantly adverse impact upon black voters," the majority held that defendants did not violate section 2 because they were motivated by partisan considerations, not racial animus. Unlike claims based upon the Fourteenth and Fifteenth Amendments, a claim based section 2 does not hinge only upon the presence of discriminatory intent. For that reason, a court should not dispose of a section 2 claim simply because it finds no Fourteenth or Fifteenth Amendment violations.

In 1982, Congress amended section 2 of the Voting Rights Act to eliminate the necessity of establishing discriminatory intent to prove a violation of that section. 42 U.S.C. §1973 (1982). To prove a violation under section 2 as amended, plaintiffs must demonstrate either that defendants intended to discriminate against them or that "the [challenged] structure or practice results in a dilution of minority voting power." *Major v. Treen*, 574 F. Supp.

325, 350 (E.D. La. 1983) (emphasis in original). See also *Ketchum v. Byrne*, 740 F.2d 1398, 1403 1404 (7th Cir. 1984), petition for cert. filed, 53 U.S.L.W. 3343 (U.S. Nov. 6, 1984) (No. 84-627). To determine whether plaintiffs have suffered vote dilution under the redistricting plan, the court should examine "the totality of the circumstances." 42 U.S.C. §1973(b)(1982).

In its report accompanying the 1982 amendments, the Senate Judiciary Committee set forth seven factors that a court should consider to decide whether defendants have violated section 2. S. Rep. No. 417, 97th Cong., 2d Sess. 2 reprinted in 1982 U.S. Code Cong. & Ad. News 206-07. The application of these factors to the facts in this case supports defendants' position that they did not violate section 2 by adopting the redistricting plan. According to the Report, the court should first consider "the extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process." *Id.* While plaintiffs correctly pointed out that the state historically has discriminated against blacks in areas of public accommodation, education, and housing, they do not offer evidence to show that blacks suffered discrimination in voting matters.

Second, the court should examine whether, if at all, racial polarization has tainted the voting in Indiana elections. The United States Supreme Court has acknowledged the importance of this factor: "Voting along racial lines allows those elected to ignore black interests without fear of political consequences, and without block voting the minority candidates would not lose elections solely because of their race." *Rogers v. Lodge*, 450 U.S. 613, 623 (1982). As defendants emphasize in their briefs, no evidence exists to demonstrate that racial polarization has marred Indiana elections. In fact, in 1982, voters from white-majority House districts elected two black

candidates to the Indiana House. Additionally, in the same election, voters from a black-majority district elected a white candidate to the House.

The court should examine as a third possible indication of vote dilution "the extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance that opportunity for discrimination against the minority group." S. Rep. No. 417. Plaintiffs have not demonstrated the existence of any of these enumerated devices that could minimize black voting strength. Nonetheless, plaintiffs challenge defendants' retention of multi-member districts within the redistricting plan as racially discriminatory. The majority stated that defendants' use of multi-member districts adversely affected black voters in Indiana, emphasizing the fact that, while only 39% of the total population resided in multi-member districts, 81.2% of the black population resided in multi-member districts. Addressing this comparison, defendants' expert, Dr. Bernard Grofman, pointed out that

[t]he proportion of blacks in multi-member districts is, in and of itself, no indication of anything. The relevant question is what proportion of the districts are majority black districts in the relevant geographic areas of the state, as compared to the proportions of blacks in those areas of the state.

Comparing the proportion of black-majority multi-member districts with the percentage of blacks living in those districts, I find that defendants did not violate section 2 by including multi-member districts within the redistricting plan.

Plaintiffs challenge defendants' use of multi-member districts in Allen and Marion Counties, in particular, as discriminatory against blacks. In Allen County, which defendants divided into two three-member districts, blacks

comprise approximately 8% of the population. Assuming voting along racial lines, the black population's inability to elect any Representatives in Allen County does not demonstrate vote dilution. Even if blacks were entitled to proportional representation, *but see Jones v. City of Lubbock*, 727 F.2d 364, 384 (5th Cir. 1984); *Terrazas v. Clements*, 581 F. Supp. 1329, 1356 (N.L. Tex. 1984), because they comprise only 8% of the population, they would not be entitled to even one of the six seats in Allen County.

Similarly, defendants have not diluted black voting strength in Marion County through the adoption of the five three-member districts that compose the county. Blacks constitute approximately 19% of the population in Marion County. The present redistricting plan enables blacks to elect three Representatives by creating one three-member district with a 61.2% black population.¹ Thus, blacks are able to elect 20% of the Marion County Representatives. By retaining multi-member districts in Marion County, defendants have not diluted the black voting strength, but have, in fact, guaranteed blacks slightly greater than proportional representation.

The fact that blacks possess near proportional representation in Lake County also supports defendants' position that they have not violated section 2. According to plaintiffs' figures, blacks constitute 24% of the population in Lake County. Under the present plan, blacks constitute a majority in District 14, a two-member district. If defendants had drawn a plan that permitted blacks to elect three Representatives from Lake County, blacks would have been able to capture 25% of the Lake County seats.

¹In *Ketchum v. Byrne*, the Seventh Circuit noted that "minorities must have something more than a mere majority even of voting age population in order to have a reasonable opportunity to elect a representative of their choice." 740 F.2d at 1413. The fact that, in 1982, two of the three Representatives elected to the House from the black-majority district were black indicates that blacks possessed considerable voting strength in that district.

Defendants' failure to accord blacks this slight overrepresentation can be explained by the position of Lake County within the seven districts that encompass it. Only five of the districts are composed entirely of Lake County residents. In the remaining two districts, Lake County residents make up only small portions of those districts. More particularly, in District 10, a two-member district, blacks constitute only 3% of the total population. Similarly, in District 16, a single-member district, blacks constitute only .1% of the total population. Under these circumstances, the black population's ability to elect approximately 17% of the Representatives from all the districts that include Lake County leads me to conclude that defendants have not diluted black voting strength in Lake County.

A court should measure vote dilution by analyzing the effects of redistricting in those areas that contain majorities of the minority population. According to a recent case that addressed the issue of vote dilution under section 2 of the Voting Rights Act:

the raw power of such an aggregation 'to elect' provides a clear measure of its voting strength, hence a fair and workable standard by which to measure dilution of that strength. Short of that level, there is no such principled basis for gauging voting strength, hence dilution of that strength.

Gingles v. Edmisten, 590 F. Supp. 345, 381 (E.D.N.C. 1984). Thus, the black community's inability to exercise effective voting power in those areas in which they comprise voting majorities may indicate vote dilution. In this case, however, a comparison of the percentage of blacks with the number of black majority districts in Marion and Lake Counties demonstrates that defendants have not diluted the black vote through the redistricting plan.

The majority asserts that defendants' use of multi-member districts is "particularly effective in 'stacking' blacks into large majority districts and fragmenting their

population among other districts." I disagree with this conclusion. In Marion County, defendants have drawn District 51 to contain a 61.2% black population. To ensure effective black voting power, defendants had to construct that district to include at least a majority of the black population, and perhaps a super-majority. See *Ketchum*, 740 F.2d at 1413. Even if defendants had placed all of the other blacks into one district, they could not have constructed another black-majority district. Under these circumstances, defendants did not stack black votes in Marion County.

Similarly, I cannot find that defendants "packed" the black vote in Lake County, the other county containing a black-majority district. If defendants had drawn District 14 to contain a 51% black majority, rather than the 69.9% majority that exists in that district under the plan, defendants conceivably could have placed the rest of the black population in the remaining districts in such a way as to create another black majority district. *But see Major v. Treen*, 574 F. Supp. 325, 354 (E.D. La. 1983) ("[W]e are not unmindful of the legitimate debate among academics and courts about the relativemerits of concentrating a minority population within one district or dividing that population into two or more districts so that it exerts a substantial influence in each."). Undoubtedly, because seven districts compose Lake County, and because Lake County houses a total population of over one-half million people, defendants would have been hard-pressed to construct another majority district while still making the districts compact and contiguous. Additionally, as discussed previously, the present plan ensures near proportional representation for the black community in Lake County. Defendants should not be faulted for designing a plan that should guarantee that two representatives will be elected from a black-majority district; if defendants had drawn even one more black-majority district, they would have enabled blacks to wield voting strength greater than their percentage within

the community would suggest. Certainly, a court should not obligate legislators to overrepresent the voting strength of a particular minority within the community. See *Gingles v. Edmisten*, 590 F. Supp. 345, 382 (E.D.N.C. 1984).

I cannot agree, either, with the majority's assertion that defendants used multi-member districts to fragment black voting strength. In Lake County, of the 8% to 9% black population that exists outside District 14, defendants have arranged it among the remaining districts so that one district contains a 30.6% black population and another contains a 13.3% black population. These figures do not suggest that fragmentation of the black vote exists in Lake County. Similarly, in Marion County, of the 8% to 9% black population that exists outside District 51, defendants have constructed one of the remaining four districts to contain a 21.6% black population. Again, defendants have not fragmented the black vote among the districts in Marion County.

Plaintiffs also have failed to demonstrate that any of the final four factors listed in the Senate Report indicates that defendants violated Section 2 by adopting the redistricting plan. Plaintiffs have not proven that blacks have been denied access to the candidate slating process, S. Rep. No. 417; rather, defendants have offered evidence to show that blacks hold positions of leadership within both major political parties. Additionally, plaintiffs have failed to prove that blacks "bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process." *Id.* To the contrary, defendants have shown that blacks involve themselves both within the parties' structures and with the elected government. Also, plaintiffs have tendered no evidence to suggest that Indiana elections have been marked by "overt or subtle racial appeals." *Id.* Lastly, defendants have shown that blacks "have been elected to public office" in Indiana, *Id.*; in

fact, more blacks now hold seats in the Indiana General Assembly than before the adoption of the redistricting plan.

Analyzing the factors set out in the Senate Judiciary Committee's Report, I find that plaintiffs have failed to prove that defendants diluted the black voting strength in Indiana. Furthermore, defendants have established that the redistricting plan resulted in no "retrogression" of the black vote. As the Seventh Circuit stated in *Ketchum v. Byrne*, "'Retrogression' may be defined as a decrease in the new districting plan or other voting scheme from the previous plan or scheme in the absolute number of Representatives which a minority group has a fair chance to elect." 740 F.2d at 1402 n.2. For purposes of this case, retrogression would occur if defendants reduced the number of black majority districts that exist under the present redistricting plan from the number of black majority districts that existed under the previous redistricting plan. Defendants preserved both the two black-majority Senate districts and the two black-majority House districts in their redistricting plan. Thus, defendants' plan did not cause any retrogression of the black vote.

In conclusion, I agree with the majority's determination that defendants did not violate Section 2 of the Voting Rights Act by adopting the present redistricting plan. As the majority notes, plaintiffs have failed to prove that defendants intended to discriminate against them on account of their race. Plaintiffs also have failed to establish that the redistricting plan resulted in a dilution of their voting strength.

II. Bandemer Plaintiffs' Claims

A. Political Gerrymandering under the Equal Protection Clause

The Supreme Court of the United States never has addressed directly the justiciability of a political gerrymandering claim. Nonetheless, five Justices have expressed a willingness to analyze such claims under the Equal Protection Clause of the Fourteenth Amendment. *Karcher v. Daggett*, 103 S.Ct. 2653, 2667, 2683 (1983) (Stevens, J., concurring). (White, J., dissenting, joined by Burger, C.J., Powell, J., and Rehnquist, J.). Because I believe that the facts of this case do not demonstrate a political gerrymander, I do not reach the constitutional question whether a cause of action for political gerrymandering exists under the Equal Protection Clause.

According to Justice Stevens, "political gerrymandering is one species of 'vote dilution' that is proscribed by the Equal Protection Clause." 103 S.Ct. at 2667 (Stevens, J., concurring). To shift the burden of proof to defendants to justify the redistricting plan, plaintiffs first must prove that the plan diminishes the voting strength of an identifiable political group within the state.² *Id.* at 2672 (Stevens, J., concurring). Specifically, plaintiffs

must first prove that they belong to a politically salient class.... Second, they must prove that in the relevant district or districts or in the State as a whole, their proportionate voting influence has been adversely affected by the challenged scheme. Third, plaintiffs

²Although the four dissenters do not delineate the framework within which they would analyze a political gerrymandering claim, Justice Powell intimates that he would require greater proof than minimization of voting strength to establish a political gerrymandering claim. According to Justice Powell, a redistricting plan rises to the level of an unconstitutional gerrymander only if its "purpose and effect [are] substantially [to] disenfranchis[e] identifiable groups of voters." 103 S.Ct. 2689 (Powell, J., dissenting) (emphasis added).

must make a *prima facie* showing that raises a rebuttable presumption of discrimination.

Id. (Stevens, J., concurring). Defendants must justify the adoption of the redistricting plan as serving “neutral, legitimate interests” of the state only if the plaintiffs first can prove the existence of the three elements that Justice Stevens sets forth.

Plaintiffs have failed to prove that this redistricting plan constitutes an unconstitutional gerrymander because they have failed to prove that the plan has diluted their voting strength as Democrats. As the majority points out, plaintiffs have offered statistical data that, according to plaintiffs, proves that their voting strength has minimized. Of this data, the majority emphasizes two numerical comparisons to prove vote dilution. First, plaintiffs point out that, although Democratic candidates for the Indiana House received 51.9% of the vote statewide in 1982, only 43 Democrats were elected to the available 100 seats. Second, plaintiffs point out that although Democratic candidates for the Indiana Senate received 53.1% of the vote statewide, only 13 Democrats were elected to the available 25 seats.³

Unlike the majority, which finds that these figures “signal” Democratic vote dilution, I find that a comparison between the percentage of Democratic votes cast statewide for legislative candidates and the number of seats actually won, standing alone, fails to prove vote dilution. According to authorities that Justice Stevens cited approvingly in *Karcher*, 103 S.Ct. 2672 n.13,

This method of identifying gerrymandering.... has major flaws.... [T]he approach fails to account for the fact that the difference between the percentage of votes and number of seats captured may in fact be the

³As these numbers indicate, the percentage of seats actually won by the Democrats in the Senate is 52%, approximately the number to which they were entitled under plaintiffs’ theory.

result of natural advantages—the inordinate concentration of partisans in one place—rather than any deliberate partisan districting scheme.

Backstrom, Robins & Eller, *Issues in Gerrymandering: An Exploratory Measure of Partisan Gerrymandering Applied to Minnesota*, 62 Minn. L. Rev. 1121, 1127 (1978). To measure the pure voting strength of a particular party within the state, these authors suggest isolating “typical” statewide races, those concerning “relatively invisible offices,” and determining the percentage of votes cast for each candidate in these races. *Id.* at 1131. These “typical” races more accurately reflect partisan voting strength because their outcome depends, more often than not, on straight party affiliation rather than on the personalities of the particular candidates. *Id.*

Comparing the number of seats gained by the Democrats in the Senate and House elections with the base voting strength of the Democrats statewide, I find that plaintiffs have not demonstrated that they have suffered vote dilution under the redistricting plan. To minimize the controversy over which typical race to use, the authors suggest adopting “an average of several statewide partisan races from recent elections.” *Id.* In 1982, in the race for State Auditor, the Democratic candidate received 50.8% of the vote. In the election for Clerk of the Supreme Court and Court of Appeals, the Democratic candidate received 48.7% of the vote. In 1980 the Democratic candidate for the office of Reporter of the Supreme Court and Court of Appeals won 43.9% of the vote.⁴ Averaging the 1980 results with the average of the 1982 races yields 46.8% as the measure of the Democratic voting strength statewide in Indiana.

Under a comparison of the Democratic voting strength

⁴That this election occurred under a former redistricting plan does not affect its relevance to this calculation. The manner in which a state is districted has no bearing on the way in which votes are cast in a statewide election.

statewide and the percentage of Democratic seats captured in the House and Senate, plaintiffs have failed to demonstrate vote dilution. Although the Democrats won fewer House seats than the base voting strength suggested, they won considerably more seats in the Senate. Compared with a base percentage of 46.8%, the Democrats won 43% of the House seats in 1982. In the Senate elections, however, they won 52% of the seats. Thus, even if the purpose behind the plan was to favor the Republicans, the result of the plan was to advantage and disadvantage both parties equally under the plan.

Most likely, under these circumstances, factors other than political gerrymandering cause the House and Senate race results to be skewed in relation to the base Democratic voting strength statewide. The personality of the particular candidates and the specific political issues of the day may explain the small disparity between percentages. Certainly, the personality of a candidate for the Indiana House or Senate bears more heavily on the outcome than does the personality of a candidate for a relatively invisible office. In fact, Bandemer plaintiffs, in their reply brief, cited instances where both Democratic and Republican candidates ran ahead of the base vote and overcame the political complexion of their districts. Also, the heavy concentration of Democratic voters in urban areas may account for the discrepancy between the base vote and the seats won in the House elections. In these districts, any Democratic votes in excess of the number needed to elect the candidate will be politically ineffectual. Nonetheless, these votes will be influential in the statewide races from which the Democratic base vote derives. Under the facts of this case, I disagree with the majority's conclusion that plaintiffs have demonstrated unconstitutional political gerrymandering. I would hold that plaintiffs have failed to satisfy the heavy burden of proving vote dilution. *Karcher*, 103 S.Ct. at 2672 (Stevens, J., concurring) ("[T]his is a burden that plaintiffs can meet in relatively few cases.").

The presence of multi-member districts in the redistricting plan does not convert a legitimate plan into an unconstitutional gerrymander. The Supreme Court has noted frequently that multi-member districts are not *per se* unconstitutional. *Rogers v. Lodge*, 458 U.S. 613, 617 (1982); *Chapman v. Meier*, 420 U.S. 1, 15 (1975); *White v. Regester*, 412 U.S. 755, 765-66 (1973); *Reynolds v. Sims*, 377 U.S. 533, 577 (1964). In fact, single-member districts may be drawn to discriminate against an identifiable political group just as easily as multi-member districts.

According to the Supreme Court, to prove that multi-member districts deprive an identifiable political group of equal protection:

[T]here must be more evidence than a simple disproportionality between the voting potential and the legislative seats won by a racial or political group. There must be evidence that the group has been denied access to the political process equal to the access of other groups.

Chapman, 420 U.S. at 17. Thus, the fact that Democrats gained only 20% of the House seats in Marion County in 1982 does not prove that defendants unconstitutionally employed multi-member districts in Marion County. In fact, defendants have offered into evidence the certified election returns for Marion County for the State Auditor's race to demonstrate that the base Democratic voting strength in Marion County was considerably less than their strength statewide.⁵

The Supreme Court has enumerated three factors as demonstrative of a denial of access to the political process. First, the court should determine the predominance of multi-member districts within the redistricting scheme.

⁵In Marion County, the Democratic candidate for State Auditor received only 39% of the vote in 1982.

Here, of a total of seventy-seven House districts, the legislature has drawn only nine two-member districts and seven three-member districts. The fact that 20% of the districts are multi-member and that 39% of the Representatives come from these districts does not demonstrate that "multi-member districts compose a large part of the legislature." *Id.* Second, the presence of multi-member districts within both the House and the Senate plans may indicate that the multi-member districts are designed to deny a particular political group access to the political process. *Id.* Here, following past practice, the Senate plan contains no multi-member districts. Third, the court should consider whether the plan allows candidates to run from the same subdivisions of a particular district or whether it imposes some type of residency requirement. *Id.* Neither party has offered any evidence that bears on this issue.

According to the majority, the redistricting plan unconstitutionally dilutes Democratic voting strength because, among other things, the multi-member districts stack Democratic voters. In other words, the majority finds that Democrats "have been overconcentrated in single district[s] greatly in excess of the percentage needed to elect candidate[s] of their choice." *Karcher*, 103 S.Ct. at 2672 n.13 (Stevens, J., concurring). If defendants can be faulted for overconcentrating Democrats in multi-member districts, they can be faulted equally for stacking Republicans in single member districts. In the 1982 House elections, Republicans won twenty-seven contested elections in single-member districts. Of these twenty-seven elections, Republicans won two races with over 65% of the vote, eight races with over 60% of the vote, and twelve races with over 55% of the vote. Certainly, these statistics indicate that defendants placed Republicans in single-member districts in excess of the pure majority needed to exercise effective voting strength.

Defendants did not deny equal protection to Democrats

by retaining multi-member districts within the redistricting plan, but they demonstrated a willingness to convert multi-member districts into single-member districts. Under the present redistricting plan, there are four fewer two-member districts than under the previous plan. According to defendants, the legislators changed multi-member districts into single-member districts in those districts in which all the Representatives requested such a change. This fact, coupled with the absence of vote dilution either within the multi-member districts themselves or within the state as a whole, demonstrates that defendants have not violated plaintiffs' equal protection rights by retaining multi-member districts in the House redistricting plan.

Defendants adhered to "neutral, legitimate interests" in enacting the present redistricting plan. *Karcher*, 103 S.Ct. at 2670 (Stevens, J., concurring). They adhered to the "one-man one-vote" principle contained in Article I, Section 2 of the United States Constitution by formulating a House plan with a population deviation of only 1.05% and a Senate plan with a population deviation of 1.33%. These minor deviations clearly pass muster under Article I, Section 2. *Brown v. Thomson*, 103 S.Ct. 2690, 2696 (1983) ("Our decisions have established, as a general matter, that an apportionment plan with a maximum population deviation under 10% falls within this category of minor deviations."). In addition to avoiding dilution of the Democratic vote, defendants prevented any retrogression in the black voting strength in Indiana by maintaining all districts which had been black-majority districts under the former plan. Finally, by adopting the plan, defendants advanced subsidiary objectives that the Supreme Court has sanctioned as permissible state interests. First, defendants protected incumbents by drawing a plan which avoided placing them in the same district. *Burns v. Richardson*, 384 U.S. 73, 89 n.16 (1966). See also *Karcher*, 103 S.Ct. at 2663. Second, defendants preserved the integrity of political

subdivisions within the redistricting plan, which also constitutes a legitimate state interest. *Mahan v. Howell*, 410 U.S. 315, 328 (1973), modified, 411 U.S. 922. See also *Karcher*, 103 S.Ct. at 2663. In this plan, as the majority points out, defendants preserved township lines in most cases.

Although the Supreme Court has recognized that the Constitution places limits upon the legislature's freedom to enact any redistricting plan, the Court has emphasized that redistricting remains essentially a political task. *Gaffney v. Cummings*, 412 U.S. 735, 749 (1973). See also *Karcher*, 103 S.Ct. at 2671-72 (Stevens, J., concurring); *Id.* at 2689 (Powell, J., dissenting). As the Supreme Court stated in *Gaffney*, "From the very outset, we recognized that the apportionment task, dealing as it must with fundamental 'choices about the nature of representation,' *Burns v. Richardson*, 384 U.S. at 92, is primarily a political and legislative process." 412 U.S. at 749. In his concurrence in *Karcher*, Justice Stevens recognized that the determination whether a redistricting plan constitutes political gerrymandering must turn primarily upon the actual effect of the plan and not upon the intent of the legislators:

I would not condemn a legislature's districting plan in the absence of discriminatory impact simply because its proponents were motivated, in part, by partisanship or group animus. Legislators are, after all, politicians; it is unrealistic to attempt to proscribe all political considerations in the essentially political process of redistricting.

Karcher, 103 S.Ct. at 2671-72 (Stevens, J., concurring). In this case, because Bandemer plaintiffs have failed to prove that, as Democrats, they suffered any actual vote dilution under the redistricting plan, I find that defendants have not violated the Equal Protection Clause of the Fourteenth Amendment. Under these circumstances, the judiciary should not be concerned with whether another conceivable

plan might maximize a group's voting strength. Rather, in cases such as this, the court should defer to the legislature and affirm its constitutional redistricting plan. *Wise v. Lipscomb*, 437 U.S. 535, 539 (1978) (White, J., announcing the judgment of the court in an opinion joined by Stewart, J.) ("[R]edistricting and reapportioning legislative bodies is a legislative task which the federal courts should make every effort not to pre-empt.").

B. Political Gerrymandering under the Indiana Constitution

Plaintiffs' inability to prove vote dilution under the redistricting plan also disposes of their claims under Article II, Section 1 and Article I, Section 23 of the Indiana Constitution. Article II, Section 1 provides that "All elections shall be free and equal." According to the Indiana Supreme Court, this provision means that "the vote of every elector is equal in its influence upon the result to the vote of every other elector." *Blue v. State ex rel. Brown*, 206 Ind. 98, 114, 188 N.E. 583, 589 (1934). Accord *State Election Board v. Bartolomei*, 434 N.E.2d 74, 78 (Ind. 1982); *Oviatt v. Behme*, 238 Ind. 69, 75, 147 N.E.2d 897, 900-901 (1958). Because defendants have maintained population equality between districts and have not diluted the Democratic voting strength, they have complied with Article II, Section 1 of the Indiana Constitution.

Article I, Section 23 provides: "The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens." This equal protection clause of the Indiana Constitution protects the same rights as the federal Equal Protection Clause. *Reilly v. Robertson*, 266 Ind. 29, 37, 360 N.E.2d 171, 175 (1977), cert. denied, 434 U.S. 825; *Haas v. South Bend Community School Corp.*, 259 Ind. 515, 526, 289 N.E.2d 495, 501 (1972). Naturally, as with the federal Constitution, the Indiana Constitution does not entitle every voter to the representative of his or her

choice. Addressing this issue, the United States Supreme Court stated:

[T]ypical American legislative elections are district-oriented, head-on races between candidates of two or more parties. As our system has it, one candidate wins, the others lose.... [A]rguably [the losing candidates' supporters] have been denied equal protection of the laws since they have no legislative voice of their own.... But we have not yet deemed it a denial of equal protection to deny legislative seats to losing candidates, even in those so-called 'safe' districts where the same party wins year after year.

Whitcomb v. Chavis, 403 U.S. 124, 153 (1971). Rather, the equal protection clause of the Indiana Constitution, like the Fourteenth Amendment of the federal Constitution, guarantees to each voter the right not to have his vote diluted under a redistricting plan. Defendants have not violated Article I, Section 23 of the Indiana Constitution in this case.

Bandemer plaintiffs challenge the constitutionality of the redistricting plan on one additional ground. They argue that the plan violates Article IV, Section 6 of the Indiana Constitution, which states: "A Senatorial or Representative District, where more than one county shall constitute a district, shall be composed of contiguous counties; and no county, for Senatorial apportionment, shall ever be divided."⁶ The redistricting plan satisfies the first clause mandating that counties be contiguous in districts composed of more than one county. Concededly, the redistricting plan violates the second clause prohibiting a division of counties within the Senate redistricting plan. Nonetheless, the legislators presumably could not satisfy this clause and comport with the Supreme Court's

⁶1982 Ind. Acts 232, §4, as concurred in by 1984 Ind. Acts 219, §3, repeals this section. This repeal was passed by the voters at the November 1984 general election.

requirement of substantial population equality within districts. After all, the legislators sought to apportion Indiana's 92 counties into only 50 districts, representing the 50 seats in the Indiana Senate. To accomplish this apportionment while still complying with the one-man one-vote requirement, the legislature inescapably divided counties. In *Whitcomb v. Chavis*, the United States Supreme Court recognized the unavoidability of a conflict between Article IV, Section 6 of the Indiana Constitution and Article I, Section 2 of the United States Constitution. 403 U.S. 125, 162 n.42 (plurality opinion). The Court affirmed a district court's redistricting plan for Indiana that split the counties 90 times. *Id*

Although the redistricting plan may contravene the literal meaning of Article IV, Section 6, it does not undermine the original purpose behind the second clause of Section 6. This clause, according to the Indiana Supreme Court, was enacted to promote proportional popular representation. *Denny v. State ex rel. Basler*, 144 Ind. 503, 519, 42 N.E. 929, 934 (1895). The present one-man one-vote requirement, however, advances that aim to an even greater degree. Thus, I conclude that defendants' Senate redistricting plan, which splits counties seventy-three times, does not violate Article IV, Section 6 of the Indiana Constitution because it embodies an attempt to apportion 92 counties into 50 districts while still retaining population equality among districts.

III. Conclusion

I concur in the majority's decision that defendants have not discriminated against NAACP plaintiffs on account of their race in violation of either the Fifteenth Amendment or Section 2 of the Voting Rights Act. I dissent, however, from that part of the majority's decision that holds that defendants discriminated against NAACP and Bandemer plaintiffs as Democrats in violation of the Equal Protection Clause of the Fourteenth Amendment.

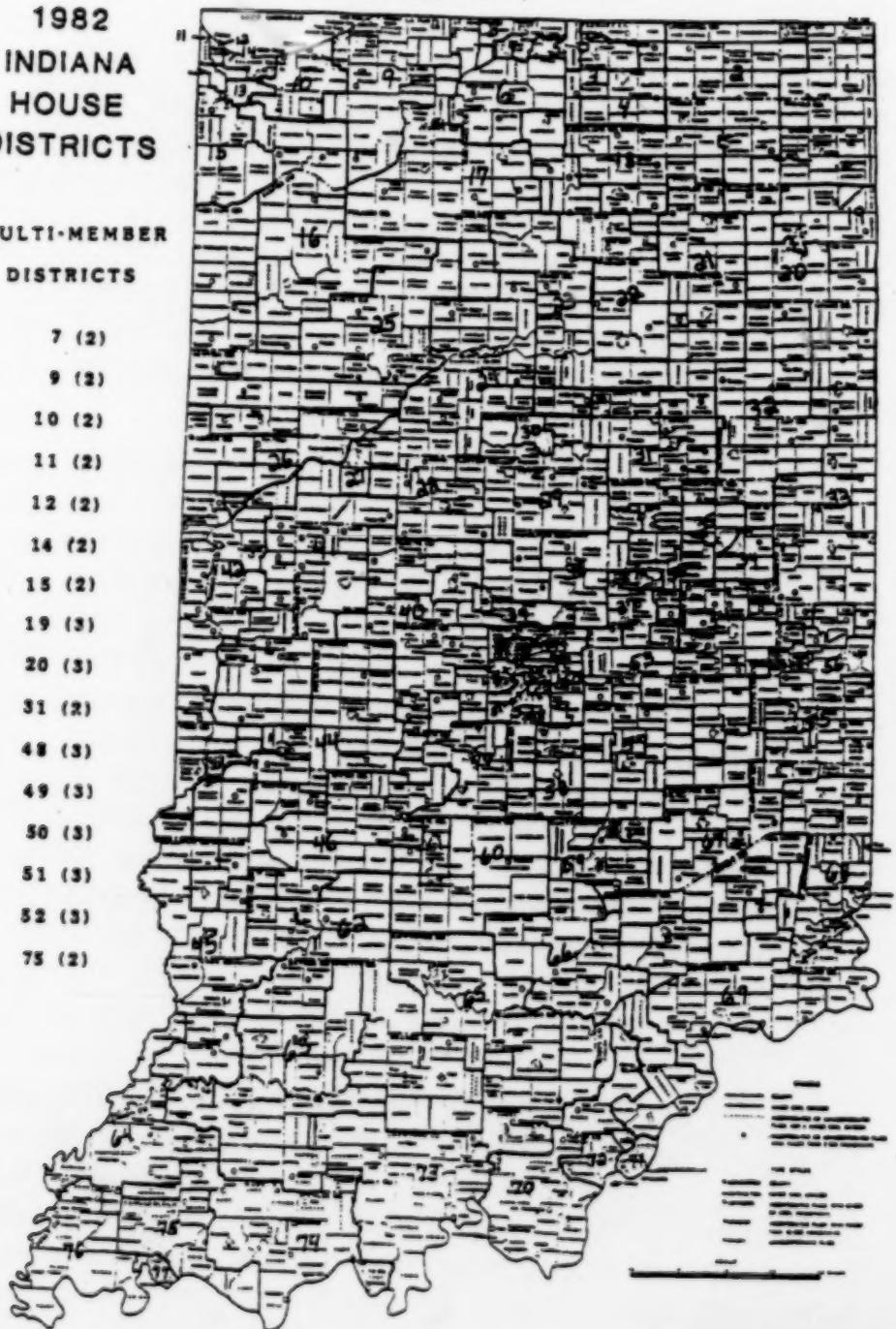
A-54

1982
INDIANA
HOUSE
DISTRICTS

MULTI-MEMBER
DISTRICTS

- 7 (2)
- 9 (2)
- 10 (2)
- 11 (2)
- 12 (2)
- 14 (2)
- 15 (2)
- 19 (3)
- 20 (3)
- 31 (2)
- 48 (3)
- 49 (3)
- 50 (3)
- 51 (3)
- 52 (3)
- 75 (2)

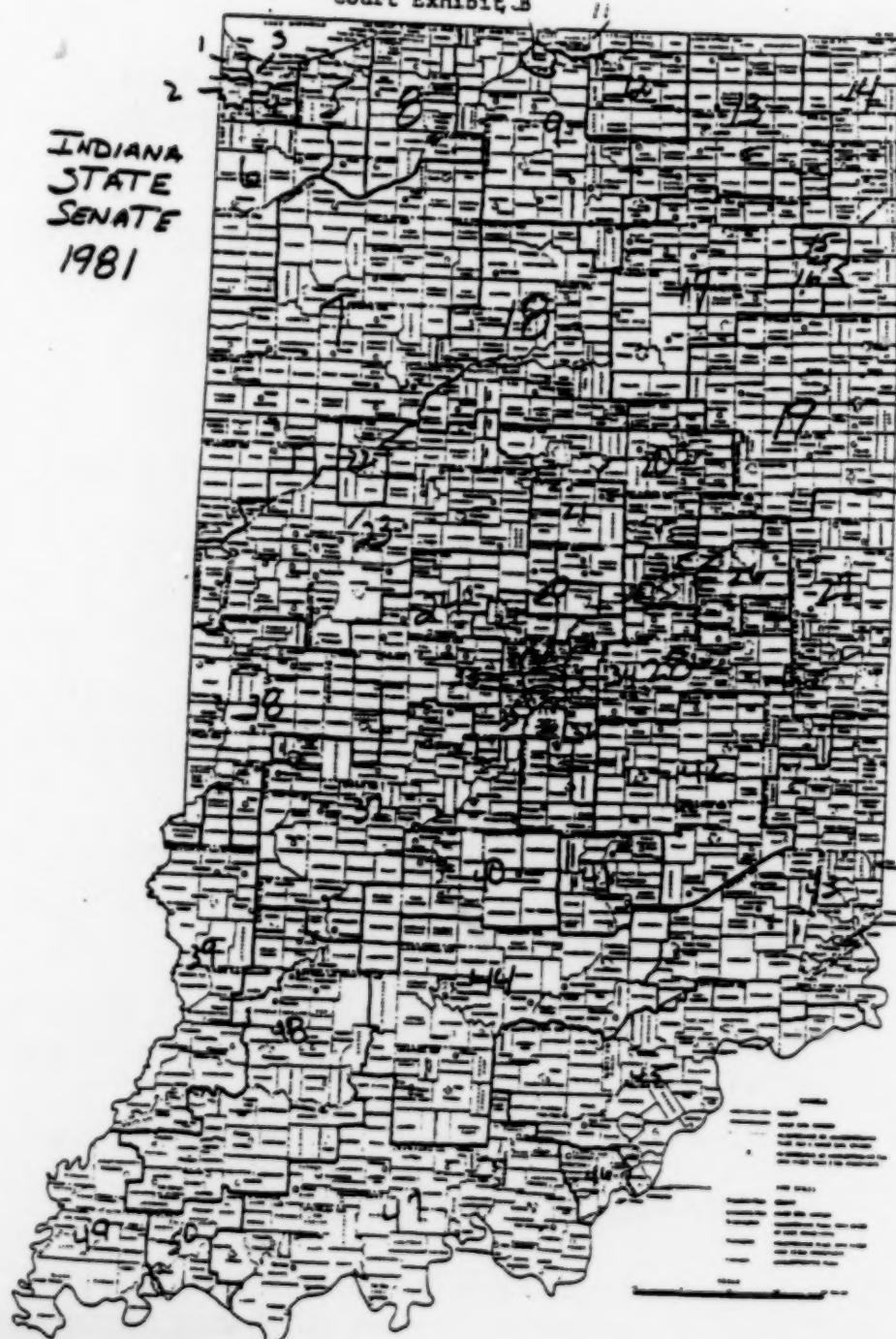
Court Exhibit A



A-55

INDIANA
STATE
SENATE
1981

Court Exhibit B



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APPENDIX B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IRWIN C. BANDEMER, et al.,)
)
<i>Plaintiffs,</i>)
)
vs.) Cause No. IP-82-56-C
)
SUSAN J. DAVIS, et al.,)
)
<i>Defendants.</i>)
)
)
INDIANA N.A.A.C.P. STATE)
CONFERENCE OF BRANCHES,)
et al.,)
)
<i>Plaintiffs,</i>)
)
vs.) Cause No. IP-82-164-C
)
ROBERT D. ORR, Governor)
State of Indiana, et al.,)
)
<i>Defendants.</i>)
)

MOTION TO MODIFY OR AMEND

Defendants respectfully ask this Court to alter or amend its Opinion and Order entered December 13, 1984. This amendment is necessary for clarification so that the

Defendant members of the Indiana General Assembly know more specifically what guideline priority must be followed in any reapportionment during the 104th Session of the Indiana General Assembly in 1985, and for other reasons set forth in this Motion.

1. The Court recognizes that it has created a new guideline never before required in any Court decision reviewing state reapportionment plans—that is, that there be no partisan or political gerrymandering (p. 25, 26). The Court also has created other new guidelines in the context of multi-member districts never before required in state reapportionment plans—no “ethnic” gerrymandering and no “economic” gerrymandering (p. 37).

The Court also found that the Indiana General Assembly did, in fact, follow as its primary guideline, the one man—one vote requirement of the federal Constitution (p. 19). The Court also found that the Indiana General Assembly also followed the guideline of not diluting the black vote by use of its “no retrogression” rule (p. 11, 20) and by the fact that black representation is proportional to black population in Indiana (p. 20). The Indiana General Assembly preserved black majority districts existing before reapportionment in spite of the fact that black majority Senate District 34 in Marion County had lost population of 36,064 (“SEN 1971” in Defendants’ Exhibit 1); black majority House District 45 in Marion County had lost population of 56,226 (“HR 1972” in Defendants’ Exhibit 1); and Black Majority House District 5 in Lake County had lost population of 29,592 (“HR 1972” in Defendants’ Exhibit 1 and Z). The evidence also shows that the Legislature followed the guideline of preserving black voting strength in all other existing districts, subject to the one man—one vote requirement and the maintaining of black majority districts, the minority populations in the House Districts concededly having been “kept intact”, (Dailey deposition, Exhibit 7) according to the author of the “Crawford Plan” of the Democrat

Plaintiffs. See, for example, N.A.A.C.P. Exhibit 244; Bosma deposition, pp. 52-3; Campbell deposition, p. 20. Therefore by following this guideline the Indiana General Assembly protected the voting rights of blacks as blacks as required by the federal Constitution and the Voting Rights Act (p. 24).

However, as a matter of guideline priority, Defendants seek guidance as to what priority to assign to the new guideline of no “political gerrymandering”.

The Court recognizes that there are heavy concentrations of Democrats in urban areas (p. 14) that are black (p. 21). See N.A.A.C.P. Exhibit 216, p. 2. The Court finds it unconstitutional that existing districts in urban areas are overwhelmingly Democrat (and black) and calls this a “stacking” (p. 15, 20, 22) of Democrat voters. However, the undisputed evidence shows that to reduce the heavy concentration of Democrat voters in districts in Marion, Lake and Allen counties would necessarily require district lines to be changed to include in these districts Republicans (largely white). This would inevitably reduce the percent of black citizens in these existing Democrat black majority districts. Democrats (blacks) thus moved to accommodate Republicans would necessarily be placed in another district with Republicans (largely white), also causing black vote dilution.

This would also be true if single-member districts are to be used in urban areas instead of multi-member districts. Single-member districts must also be heavily black and heavily Democratic to avoid racial vote dilution. See N.A.A.C.P. Exhibit 215, p. 6.

Therefore, Defendants need guidance from this Court as to which guideline, racial or political party, should receive priority.

The Court holds that proportional representation is not required (p. 30) but what is? See *Backstrom, Robins, & Eller, Issues in Gerrymandering: An Exploratory Measure of Partisan Gerrymandering Applied to Minnesota*, 62 Minn. L. Rev. 1121, 1127, cited in the dissenting Opinion of Judge Pell (p. 57). In fact, in 1982 there was proportional representation in the Senate races. See the dissenting opinion of Judge Pell (p. 56). The Court holds that a 45-55% range is "competitive" (p. 13), and in 1982 39 House seats were in this range (Defendant's Exhibit HH). If the Democrats had won these competitive seats, there would have been 67 House Democrats in 1982.

2. The Court finds that constitutional judgments must be made on the basis of "those who align themselves with the Democratic Party (p. 32). However, in determining who is a Democrat the Court refers to the vote in statewide races in 1974, 1964 and 1978 (p. 12) and again to the votes for all Republican and Democrat candidates for the Indiana House and the Indiana Senate in 1982 (p. 14). What race or races should be used? What about persons labelling themselves as "Independents"?

Therefore, this Court should clarify what it deems to be a "Democrat", so that reapportionment could proceed to protect the specific group so intended.

3. The guidelines of community of interest, compactness and not crossing city, county and township boundaries were deemed secondary to the guidelines of one man—one vote and no racial vote dilution throughout all of the districts in Indiana. Neither the Crawford Plan nor the Carson Plan purported to meet both these two priority guidelines. "No dilution of the black vote" is a recognized priority guideline. See *Karcher v. Daggett*, ____ U.S. ____ 103 S.Ct. 2653, 77 L.Ed.2d 133, 148 (1983). Therefore, Defendants seek clarification as to whether it would be appropriate for the Indiana General Assembly to relax its

one man- one vote requirement to allow districts with more community of interest, more compact configurations, and not so many crossings of city, county and township boundary lines.

4. The Court holds that partisan comments by Republican legislative leaders (p. 9-10) indicated purposeful political gerrymandering. But comparable comments were made by Democrat legislators as well. See, for example, Garton deposition (p. 125). To what extent, if any, is partisanship a proper part of the reapportionment process?

5. Of what priority are the new guidelines of "ethnic" gerrymandering and "economic" gerrymandering?

6. In any reapportionment effort, Defendants will base their plan on the 1980 U.S. census data which was readily available to all parties in 1981 and at the trial in this cause, regardless of any changes since that date. The Defendants need clarification from the Court if this is not the proper basis on which to proceed.

7. Any election required to fill vacancies before the November 6, 1986 general elections shall be held based on the districts created in the 1981 House and Senate reapportionment acts and the 1982 amendments thereto, pursuant to I.C. 2-2.1-2. The Defendants need clarification from the Court if this is not the proper basis on which to proceed.

WHEREFORE, Defendants respectfully ask the Court to act on this Motion promptly in order for the Indiana General Assembly to have as much time as possible before reconvening in January, 1985 to decide what it can do to meet these strictures of the Court.

Respectfully submitted,

/S/ William M. Evans

William M. Evans

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[Certificate of Service]

APPENDIX C

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION

IRWIN C. BANDEMER, et al.,)
)
<i>Plaintiffs,</i>)
)
vs.) Cause No. IP-82-56-C
SUSAN J. DAVIS, et al.,)
)
<i>Defendants.</i>)
)
INDIANA N.A.A.C.P. STATE)
CONFERENCE OF BRANCHES,)
et al.,)
)
<i>Plaintiffs,</i>)
)
vs.) Cause No. IP-82-164-C
ROBERT D. ORR, Governor)
State of Indiana, et al.,)
)
<i>Defendants.</i>)

Before PELL, Senior Circuit Judge, NOLAND, Chief District Judge, and BROOKS, District Judge.

ORDER

JAMES E. NOLAND, Chief District Judge and GENE E. BROOKS, District Judge.

This cause is now before the Court upon the defendants' Motion to Modify or Amend and the Bandemer plaintiffs' response thereto.

Whereupon the Court, having considered the motion and the response thereto, and being duly advised in the premises, hereby ORDERS that the Motion to Modify or Amend is DENIED. Further directives from this Court are neither appropriate nor necessary. The defendants by their motion request this Court to render an advisory opinion, but it is not the function of this Court to do so. The Court's opinion of December 13, 1984 is sufficiently explanatory for purposes of its effectuation by the Indiana legislature. Accordingly, the defendants' Motion to Modify or Amend is DENIED and it is so ordered this 27th day of December, 1984.

Pell, Senior Circuit Judge, concurring and dissenting. Insofar as the defendants' motion to modify or amend may be construed as a request for an advisory opinion, I concur in the present majority order that the opinion must speak for itself. In view of the broad sweep and the internal contradictions in the opinion of December 13, 1984, it is appropriate to add to the last sentence the phrase: "no matter how difficult it is to discern what that opinion is saying should be done."

I disagree with the majority's denial of the motion, however, and respectfully dissent. As I read the motion, it, in essence, is challenging the correctness of the December 13th opinion, which roams far and wide into untrod territory with no previous guidelines or prior decisional

constitutional justification. I adhere to the views expressed in my prior dissent and regret that the majority chooses to ignore the faults of the majority opinion as demonstrated in the motion to modify or amend rather than taking this opportunity to correct those faults.

APPENDIX D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IRWIN C. BANDEMER, et al.,)
Plaintiffs,)
vs.) Cause No. IP-82-56-C
SUSAN J. DAVIS, et al.,)
Defendants.)
_____)
INDIANA N.A.A.C.P. STATE)
CONFERENCE OF BRANCHES,)
et al.,)
Plaintiffs,)
vs.) Cause No. IP-82-164-C
ROBERT D. ORR, Governor)
State of Indiana, et al.,)
Defendants.)

**NOTICE OF APPEAL TO THE SUPREME COURT
OF THE UNITED STATES**

Notice is hereby given that Susan J. Davis, John Livengood, and Thomas S. Milligan, as members of the

Indiana State Election Board, Laurie Potter Christie, as Executive Director of the Indiana State Election Board, and Edwin J. Simcox, as Secretary of State of the State of Indiana, defendants in Cause No. IP 82-56-C, hereby appeal to the Supreme Court of the United States pursuant to 28 U.S.C. §1253 from those portions of this Court's Opinion and Order entered December 13, 1984, with respect to the issues raised in Cause No. IP 82-56-C, which (i) declared unconstitutional under the Fourteenth Amendment to the United States Constitution the 1981 Indiana House of Representatives and Senate reapportionment act and the 1982 amendments thereto, (ii) enjoined the Indiana state officers responsible for implementing the election laws and holding elections thereunder from holding elections pursuant to the 1981 House and Senate reapportionment acts and 1982 amendments thereto, and (iii) ordered the Indiana General Assembly in 1985 to enact legislation to redistrict the State and reapportion the legislative seats in the General Assembly.

/S/ William M. Evans

William M. Evans

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[PROOF OF SERVICE]

APPENDIX E

1981 House Plan,
As Amended in 1982
Ind. Code §2-1-1.5

Chapter 1.5. House of Representatives
Districts; 1981 Plan.

2-1-1.5-1 Definitions; incorporation by reference of census report and documents; precincts, districts, etc.; descriptions and maps
2-1-1.5-2 New precincts; establishment
2-1-1.5-3 Number of members; allocation to districts
2-1-1.5-4 Parts of state not described as within district or described as within multiple districts
2-1-1.5-5 Application of chapter; declaration of unconstitutionality; effect
2-1-1.5-6 First District
2-1-1.5-7 Second District
2-1-1.5-8 Third District
2-1-1.5-9 Fourth District
2-1-1.5-10 Fifth District
2-1-1.5-11 Sixth District
2-1-1.5-12 Seventh District
2-1-1.5-13 Eighth District
2-1-1.5-14 Ninth District
2-1-1.5-15 Tenth District
2-1-1.5-16 Eleventh District
2-1-1.5-17 Twelfth District
2-1-1.5-18 Thirteenth District
2-1-1.5-19 Fourteenth District
2-1-1.5-20 Fifteenth District
2-1-1.5-21 Sixteenth District
2-1-1.5-22 Seventeenth District
2-1-1.5-23 Eighteenth District
2-1-1.5-24 Nineteenth District
2-1-1.5-25 Twentieth District
2-1-1.5-26 Twenty-First District
2-1-1.5-27 Twenty-Second District

2-1-1.5-28 Twenty-Third District
2-1-1.5-29 Twenty-Fourth District
2-1-1.5-30 Twenty-Fifth District
2-1-1.5-31 Twenty-Sixth District
2-1-1.5-32 Twenty-Seventh District
2-1-1.5-33 Twenty-Eighth District
2-1-1.5-34 Twenty-Ninth District
2-1-1.5-35 Thirtieth District
2-1-1.5-36 Thirty-First District
2-1-1.5-37 Thirty-Second District
2-1-1.5-38 Thirty-Third District
2-1-1.5-39 Thirty-Fourth District
2-1-1.5-40 Thirty-Fifth District
2-1-1.5-41 Thirty-Sixth District
2-1-1.5-42 Thirty-Seventh District
2-1-1.5-43 Thirty-Eighth District
2-1-1.5-44 Thirty-Ninth District
2-1-1.5-45 Fortieth District
2-1-1.5-46 Forty-First District
2-1-1.5-47 Forty-Second District
2-1-1.5-48 Forty-Third District
2-1-1.5-49 Forty-Fourth District
2-1-1.5-50 Forty-Fifth District
2-1-1.5-51 Forty-Sixth District
2-1-1.5-52 Forty-Seventh District
2-1-1.5-53 Forty-Eighth District
2-1-1.5-54 Forty-Ninth District
2-1-1.5-55 Fiftieth District
2-1-1.5-56 Fifty-First District
2-1-1.5-57 Fifty-Second District
2-1-1.5-58 Fifty-Third District
2-1-1.5-59 Fifty-Fourth District
2-1-1.5-60 Fifty-Fifth District
2-1-1.5-61 Fifty-Sixth District
2-1-1.5-62 Fifty-Seventh District
2-1-1.5-63 Fifty-Eighth District
2-1-1.5-64 Fifty-Ninth District
2-1-1.5-65 Sixtieth District
2-1-1.5-66 Sixty-First District
2-1-1.5-67 Sixty-Second District
2-1-1.5-68 Sixty-Third District
2-1-1.5-69 Sixty-Fourth District
2-1-1.5-70 Sixty-Fifth District
2-1-1.5-71 Sixty-Sixth District
2-1-1.5-72 Sixty-Seventh District
2-1-1.5-73 Sixty-Eighth District
2-1-1.5-74 Sixty-Ninth District
2-1-1.5-75 Seventieth District
2-1-1.5-76 Seventy-First District
2-1-1.5-77 Seventy-Second District
2-1-1.5-78 Seventy-Third District
2-1-1.5-79 Seventy-Fourth District
2-1-1.5-80 Seventy-Fifth District
2-1-1.5-81 Seventy-Sixth District
2-1-1.5-82 Seventy-Seventh District

2-1-1.5-1 Definitions; incorporation by reference of census report and documents; precincts, districts, etc.; descriptions and maps

Sec. 1. (a) For the purposes of this chapter, the terms "precinct code", "census tract",

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"town", "city", "county", and "township" or the common abbreviations thereof, have the same meanings and describe the same geographical boundaries as they do when used by the United States Department of Commerce, Bureau of the Census, in reporting the 1980 decennial census of the state of Indiana. In addition, the official report and all official documents relating to the report of this census are incorporated by reference into this chapter.

(b) All other references made in the descriptions of house of representatives districts in this chapter are to the precincts, districts, election districts, and wards existing January 1, 1981, and depicted by descriptions and maps maintained by the state election board under IC 3-1-3-4. The state election board shall separately maintain and preserve those descriptions and maps of precincts, districts, election districts, and wards existing on January 1, 1981, notwithstanding any subsequent changes in precinct, district, election district, and ward boundaries. The state election board shall make the descriptions and maps referred to in this section available for public inspection during regular office hours. *As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.1.*

2-1-1.5-2 New precincts; establishment

Sec. 2. After August 31, 1981, existing precinct boundaries may be changed and new precincts may be established. However, no precinct may be divided by a house of representatives district boundary. *As added by Acts 1981, P.L.3, SEC.1.*

2-1-1.5-3 Number of members; allocation to districts

Sec. 3. The house of representatives of the Indiana general assembly consists of one hundred (100) members. The representatives shall be elected from districts as described in this chapter, with each district having one (1) or more representatives. *As added by Acts 1981, P.L.3, SEC.1.*

2-1-1.5-4 Parts of state not described as within district or described as within multiple districts

Sec. 4. (a) Any part of the state of Indiana which has not been described as included in one (1) of the districts described in this chapter is included within the district that:

- (1) is contiguous to that part; and
- (2) contains the least population per representative of all districts contiguous to that part, according to the 1980 decennial census referred to in section 1 of this chapter.

(b) If any part of the state of Indiana is described in this chapter as being in more than one (1) district, it is included within the district that:

- (1) is one (1) of the districts in which that part is listed in this chapter;
- (2) is contiguous to that part; and
- (3) contains the least population per representative, according to the 1980 decennial census referred to in section 1 of this chapter.

As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-5 Application of chapter; declaration of unconstitutionality; effect

Sec. 5. This chapter first applies to elections conducted in 1982, notwithstanding any other law. However, if this chapter is declared to be unconstitutional, IC 2-1-1.2 is applicable in place of this chapter. *As added by Acts 1981, P.L.3, SEC.1.*

2-1-1.5-6 First District

Sec. 6. The First District, having one (1) member, consists of the following:

Steuben County—All except
Millgrove and Jackson Townships

DeKalb County—All

As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-7 Second District

Sec. 7. The Second District, having one (1) member, consists of the following:

LaGrange County—All
Noble County:

Perry Twp.
Elkhart Twp.
Orange Twp.
Wayne Twp.
Albion Twp.
Allen Twp.
Green Twp.
Jefferson Twp.
Steuben County:
Millgrove Twp.
Jackson Twp.

As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-8 Third District

Sec. 8. The Third District, having one (1) member, consists of the following:

Elkhart County:
Concord 43, 44 & 45
Concord 25, 34 & 36
Concord 30 & 32
Concord 41
Concord 58, 59 & 61
Concord 60
Concord 62
Harrison Twp.
Jefferson Twp.
Locke Twp.
Osolo 29 & 40
Osolo 38 & 39
Osolo 63
Osolo 65
Olive Twp.

As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-9 Fourth District

Sec. 9. The Fourth District, having one (1) member, consists of the following:

Elkhart County:
Benton Twp.
Clinton Twp.
Elkhart 1 & 2
Elkhart 15
Elkhart 3, 8, 10, 12, 13 & 14
Elkhart 4
Elkhart 5

Elkhart 17
Jackson Twp.
Middlebury Twp.
Osolo 64 & 67
Osolo 66
Union Twp.
Washington Twp.
York Twp.

As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-10 Fifth District

Sec. 10. The Fifth District, having one (1) member, consists of the following:

Elkhart County:

Baugo 74
Baugo 76
Cleveland 79
Cleveland 80
Cleveland 81
Concord 27 & 54
Concord 49
Concord 50
Concord 52 & 48
Concord 55
Concord 57

St. Joseph County:

Mishawaka Election District 6 Precinct 4
Mishawaka Election District 3 Precincts 5
& 6
Mishawaka Election District 4 Precinct 3
Mishawaka Election District 3 Precincts 2,
3, 4, 4A Election District 4 Precinct 6
Mishawaka Election District 5 Precincts 3
& 4

Mishawaka Election District 3 Precinct 8
Mishawaka Election District 4 Precincts 4,
5 & Election District 6 Precinct 1
Mishawaka Election District 6 Precinct 3
Mishawaka Election District 5 Precinct 2

Penn Precinct 1
Penn Precinct 10
Penn Precinct 13
Penn Precinct 6
Penn Precinct 7
Penn Precincts 2, 4 & 5

As added by Acts 1981, P.L.3, SEC.1.

2-1-15-11 Sixth District
 Sec. 11. The Sixth District, having one (1) member, consists of the following:
 Marshall County:
 Polk Twp.
 North Twp.
 St. Joseph County:
 Center Precinct 1
 Center Precinct 3
 Center Precinct 4
 Center Precinct 5
 Center Precinct 6
 Center Precincts 7 & 8
 Center Precincts 2 & 9
 Greene Twp.
 Liberty Twp.
 Lincoln Twp.
 Olive Twp.
 Mishawaka Election District 1 Precinct 8
 Mishawaka Election District 2 Precincts 5, 6 & Election District 3 Precinct 7
 Mishawaka Election District 4 Precinct 1
 Mishawaka Election District 4 Precinct 7
 Mishawaka Election District 3 Precinct 1
 Mishawaka Election District 4 Precinct 2
 Mishawaka Election District 2 Precinct 7
 Mishawaka Election District 2 Precincts 1 & 2
 Mishawaka Election District 4 Precinct 8
 Madison Twp.
 Penn Precinct 12
 Penn Precinct 14
 Penn Precinct 3
 Penn Precinct 8
 Penn Precinct 9
 South Bend Election District 5 Precinct 21
 South Bend Election District 5 Precincts 13 & 25
 South Bend Election District 5 Precinct 18
 South Bend Election District 5 Precinct 23
 South Bend Election District 5 Precincts 24 & 26
 South Bend Election District 5 Precinct 9
 South Bend Election District 5 Precincts 17 & 22

Union Twp.
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.2
 2-1-15-12 Seventh District
 Sec. 12. The Seventh District, having two (2) members, consists of the following:
 St. Joseph County:
 Clay Precinct 2
 German Precinct 3
 Mishawaka Election District 1 Precincts 1, 2 & 3
 Mishawaka Election District 1 Precinct 4
 Mishawaka Election District 2 Precinct 3
 Mishawaka Election District 1 Precinct 5
 Mishawaka Election District 1 Precinct 7 & Election District 2 Precinct 4
 Portage Precinct 1
 Portage Precinct 3
 Portage Precinct 4
 Portage Precinct 5
 Portage Precincts 2 & 6
 South Bend Election District 4 Precincts 4, 7, 8 & 9
 South Bend Election District 6 Precinct 24
 South Bend Election District 2 Precinct 19
 South Bend Election District 2 Precinct 1
 South Bend Election District 6 Precinct 9
 South Bend Election District 3 Precinct 16
 South Bend Election District 5 Precinct 8
 South Bend Election District 1 Precincts 8, 13 & 15
 South Bend Election District 4 Precinct 17
 South Bend Election District 3 Precincts 13, 14 & 15
 South Bend Election District 4 Precinct 15
 South Bend Election District 4 Precinct 22
 South Bend Election District 1 Precinct 7
 South Bend Election District 3 Precinct 18
 South Bend Election District 4 Precinct 21
 South Bend Election District 4 Precinct 5 & Election District 6 Precinct 5
 South Bend Election District 4 Precinct 13
 South Bend Election District 4 Precinct 12
 South Bend Election District 2 Precinct 2 & Election District 6 Precinct 17

South Bend Election District 2 Precinct 7
 South Bend Election District 5 Precinct 16
 South Bend Election District 4 Precincts 3 & 11
 South Bend Election District 4 Precinct 25
 South Bend Election District 4 Precincts 18, 19 & 20
 South Bend Election District 5 Precinct 12
 South Bend Election District 4 Precinct 16
 South Bend Election District 1 Precinct 18
 South Bend Election District 2 Precincts 3, 4, 5, 9, 10, 11, & 12
 South Bend Election District 6 Precinct 15
 South Bend Election District 6 Precinct 8
 South Bend Election District 6 Precinct 19
 South Bend Election District 2 Precinct 13
 South Bend Election District 6 Precinct 18
 South Bend Election District 1 Precinct 11
 South Bend Election District 2 Precinct 6
 South Bend Election District 2 Precinct 8
 South Bend Election District 5 Precincts 14 & 19
 South Bend Election District 1 Precinct 2
 South Bend Election District 3 Precincts 4, 6, 7, 8, 11 & 12
 South Bend Election District 2 Precincts 16 & 16A
 South Bend Election District 6 Precincts 10-14, 20-22 & 25
 South Bend Election District 1 Precincts 1, 4 & 5
 South Bend Election District 3 Precinct 2 & District 5 Precinct 7
 South Bend Election District 2 Precincts 14 & 15
 South Bend Election District 6 Precinct 16
 South Bend Election District 5 Precinct 20
 South Bend Election District 3 Precincts 3, 17 & 19
 South Bend Election District 2 Precincts 18, 20 & 21
 South Bend Election District 5 Precinct 10
 South Bend Election District 5 Precinct 15
 South Bend Election District 3 Precinct 5
 South Bend Election District 2 Precinct 17
 South Bend Election District 6 Precinct 23
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.3.
 2-1-15-13 Eighth District
 Sec. 13. The Eighth District, having one (1) member, consists of the following:
 St. Joseph County:
 Clay Precinct 14
 Clay Precinct 15
 Clay Precinct 17
 Clay Precinct 19
 Clay Precinct 3
 Clay Precinct 5
 Clay Precinct 6
 Clay Precincts 1, 4 & 10
 Clay Precincts 12, 18
 Clay Precincts 7, 8, 9, 11, 13 & 16
 German Precinct 1
 German Precincts 2 & 4
 Harris Precinct 2
 Harris Precincts 1 & 3
 Mishawaka Election District 5 Precinct 6
 Mishawaka Election District 5 Precinct 7
 Mishawaka Election District 5 Precinct 8
 Mishawaka Election District 5 Precinct 5
 Mishawaka Election District 6 Precincts 5, 6, 7 & 8
 Penn Precinct 11
 Portage Precinct 1A
 South Bend Election District 1 Precinct 3
 South Bend Election District 1 Precincts 10, 16, 17, 19
 South Bend Election District 4 Precinct 24
 South Bend Election District 4 Precincts 6 & 10

South Bend Election District 1 Precinct 12
 South Bend Election District 4 Precinct 23
 South Bend Election District 1 Precinct
 12A
 Warren Precinct 1, 2 & 3
 Warren Precinct 4
As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-14 Ninth District

Sec. 14. The Ninth District, having two (2) members, consists of the following:

LaPorte County:

Center 2
 Cass
 Center 1
 Clinton
 Cool Spring 1 & 2
 Dewey Twp.
 Galena
 Hudson
 Kankakee
 LaPorte City Ward 2 Precinct 3-4, Ward 3
 Precinct 3, Ward 5 Precincts 3 & 4
 LaPorte City Ward 5 Precinct 1
 LaPorte City Ward 3 Precincts 1-2
 LaPorte City Ward 1 Precincts 1-2, Ward 2
 Precincts 1-2
 LaPorte City Ward 4 Precinct 3
 LaPorte City Ward 1 Precinct 3, Ward 4
 Precincts 1-2
 LaPorte City Ward 4 Precinct 4

Long Beach

Michigan

Michigan City Ward 1 Precinct 3
 Michigan City Ward 6 Precinct 1
 Michigan City Ward 2 Precincts 1-2
 Michigan City Ward 5 Precincts 1-4
 Michigan City Ward 1 Precinct 1
 Michigan City Ward 6 Precinct 2
 Michigan City Ward 4 Precinct 2
 Michigan City Ward 4 Precinct 3
 Michigan City Ward 1 Precinct 2 Ward 3
 Precinct 1
 Michigan City Ward 4 Precinct 1
 Michigan City Ward 2 Precincts 3 & 4

Michigan City Ward 3 Precincts 2-4

Hanna Twp.
 New Durham
 Noble Twp.
 Pleasant Twp.
 Prairie Twp.
 Scipio Twp.
 Springfield Twp.
 Washington Twp.
 Wills Twp.

Porter County:

Pine Precincts 1 & 2

Washington Twp.

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.4.

2-1-1.5-15 Tenth District

Sec. 15. The Tenth District, having two (2) members, consists of the following:

Lake County:

Hobart District 2
 Hobart Township Precinct 5
 Hobart Twp. Precinct 8: only those portions that fall within Census Tracts 416 & 418, but not that portion within Census Tract 421.

Ross Township Precinct 20
 Ross Township Precinct 12

Porter County:

Center Precinct 12
 Center Precinct 16
 Center Precincts 18 & 20
 Center Precinct 19
 Center Precinct 23
 Center Precinct 9
 Center Precincts 1, 2, 5, 7, 10, 13 & 22
 Center Precincts 3, 4, 8, 11 & 17
 Center Precincts 6, 14, 15 & 21
 Liberty Precinct 1
 Liberty Precinct 2
 Liberty Precinct 3
 Portage Precincts 2, 5, 12 & 23
 Portage Precinct 10
 Portage Precinct 24
 Portage Precinct 21

Portage Precinct 22
 Portage Precinct 4
 Portage Precincts 6 & 8
 Portage Precincts 11 & 16
 Portage Precincts 1, 15 & 19
 Portage Precincts 3, 7, 17 & 18
 Portage Precincts 9, 13 & 14
 Portage Precinct 20
 Union 1 & 2
 Jackson Township
 Westchester Precincts 1, 3, 4, 5, 7, 8, 9, 10 & 12

Westchester Precinct 11
 Westchester Precinct 6
 Westchester Precinct 2

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.5.

2-1-1.5-16 Eleventh District

Sec. 16. The Eleventh District, having two (2) members, consists of the following:

Lake County:

Griffith Precinct 7
 Griffith Precincts 8 & 9
 Hammond District 2 Precinct 7, District 3
 Precincts 2, 4, 8, 9 & District 4 Precincts
 17 & 18

Hammond District 1 Precinct 14
 Hammond District 1 Precinct 6
 Hammond District 1 Precinct 2
 Hammond District 1 Precincts 3, 7-12 &
 District 2 Precincts 1 & 3
 Hammond District 1 Precinct 1
 Hammond District 1 Precinct 5
 Hammond District 1 Precinct 13
 Hammond District 1 Precinct 4
 Hammond District 1 Precinct 15
 Hammond District 2 Precinct 11
 Hammond District 2 Precincts 9 & 10
 Hammond District 2 Precinct 12
 Hammond District 2 Precinct 2
 Hammond District 2 Precinct 8
 Hammond District 2 Precinct 5
 Hammond District 2 Precinct 4
 Hammond District 2 Precincts 6, 13-16 &
 District 3 Precincts 1, 5, 6

Hammond District 3 Precinct 10
 Hammond District 3 Precinct 11
 Hammond District 3 Precinct 3
 Hammond District 3 Precinct 13
 Hammond District 3 Precinct 7
 Hammond District 3 Precinct 15
 Hammond District 3 Precinct 14
 Hammond District 3 Precinct 12
 Hammond District 3 Precinct 16 & District
 5 Precinct 5

Hammond District 4 Precinct 14
 Hammond District 4 Precincts 1, 6 & 8
 Hammond District 4 Precincts 4 & 5
 Hammond District 4 Precinct 3
 Hammond District 4 Precinct 10

Hammond District 4 Precinct 2
 Hammond District 4 Precincts 7, 9, 12 & 13
 Hammond District 4 Precinct 16
 Hammond District 4 Precinct 11

Hammond District 5 Precinct 15
 Hammond District 5 Precincts 2 & 7
 Hammond District 5 Precinct 3
 Hammond District 5 Precincts 1, 8-13 &
 District 4 Precinct 15

Hammond District 5 Precincts 6 & 14
 Hammond District 5 Precinct 4
 Hammond District 6 Precinct 10
 Highland Precincts 9, 3, 6, 7, 8, 10, 11, 12,
 13, 14, 16 & 17

Highland Precincts 4 & 5
 Highland Precincts 1, 2 & 18
 Highland Precincts 15 & 19
 Whiting Precinct 4

Whiting Precinct 5
 Whiting Precinct 6
 Whiting Precinct 7
 Whiting Precinct 8
 Whiting Precincts 1-3, 9 & 10

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.6.

2-1-1.5-17 Twelfth District

Sec. 17. The Twelfth District, having two (2) members, consists of the following:

Lake County:

Calumet Township Precinct 4
 Calumet Township Precincts 5, 6, 10-12
 East Chicago District 6 Precinct 5
 East Chicago District 5 Precinct 5
 East Chicago District 4 Precinct 2
 East Chicago District 6 Precinct 3
 East Chicago District 6 Precinct 2
 East Chicago District 5 Precinct 2
 East Chicago District 6 Precinct 9
 East Chicago District 6 Precinct 4
 East Chicago District 6 Precinct 8
 East Chicago District 5 Precinct 7
 East Chicago District 1 Precincts 2, 3, 4, 5, 6, 7 & 8
 East Chicago District 2 Precincts 1, 2, 3, 6, 7, 8 & 9
 East Chicago District 2 Precinct 4
 East Chicago District 6 Precinct 6
 East Chicago District 6 Precinct 7
 East Chicago District 5 Precinct 4
 East Chicago District 1 Precincts 1 & 6-1
 East Chicago District 5 Precinct 1
 East Chicago District 4 Precinct 1
 East Chicago District 5 Precinct 3
 East Chicago District 1 Precinct 9
 East Chicago District 5 Precinct 9
 East Chicago District 4 Precinct 3
 East Chicago District 5 Precinct 6
 East Chicago District 3 Precincts 7-9
 East Chicago District 5 Precinct 8
 East Chicago District 4 Precinct 6
 East Chicago District 3 Precincts 1-6 & District 4 Precinct 10
 East Chicago District 4 Precincts 7 & 8
 East Chicago District 4 Precinct 4
 East Chicago District 2 Precinct 5
 East Chicago District 4 Precinct 5
 East Chicago District 4 Precinct 9
 Gary District 3 Precincts 2, 3 & District 6 Precincts 17A & 18A
 Gary District 3 Precincts 1, 20, 21, 22 & 23
 Gary District 5 Precincts 7, 13 & 4
 Gary District 5 Precincts 14, 5, 6, 8, 9, 10, 16, 17, 18 & 19
 Gary District 5 Precincts 23, 24 & District 6 Precincts 1 & 5
 Gary District 5 Precincts 11, 12 & 15

Gary District 6 Precinct 16
 Gary District 6 Precinct 8
 Gary District 6 Precinct 18
 Gary District 6 Precinct 4A
 Gary District 6 Precinct 17
 Gary District 6 Precinct 7
 Gary District 6 Precinct 4
 Gary District 6 Precinct 2
 Griffith Precinct 10
 Griffith Precinct 1
 Griffith Precinct 2
 Griffith Precinct 12
 Griffith Precinct 13
 Griffith Precincts 3, 4 & 11
 Griffith Precincts 5 & 6
 Hammond District 5 Precinct 16 & District 6 Precincts 14 & 15
 Hammond District 6 Precinct 12
 Hammond District 6 Precincts 5, 8, 11 & 13
 Hammond District 6 Precinct 9
 Hammond District 6 Precincts 1, 2, 3 & 4
 Hammond District 6 Precincts 6 & 7

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.7.

2-1-1.5-18 Thirteenth District
 Sec. 18. The Thirteenth District, having one (1) member, consists of the following:
 Lake County:
 Calumet Township Precinct 14
 Gary District 5 Precincts 20-22 & District 6 Precincts 21 & 22
 Gary District 6 Precinct 24
 Gary District 6 Precincts 6, 10, 11, 12, 13 & 14
 Gary District 6 Precincts 15, 27 & 28
 Gary District 6 Precinct 9
 Gary District 6 Precinct 26
 Hobart City Districts 1, 3, 4 & 5
 Hobart Township Precinct 8: only that portion that falls within Census Tract 421
 Griffith 7A & St. John 3 & 3A
 Merrillville Precincts 7, 9, 10, 14, 18, 11, 19, 17, 1, 1A, 25, 25A, 22, 22A, 8, 15 & 23

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.8.

2-1-1.5-19 Fourteenth District
 Sec. 19. The Fourteenth District, having two (2) members, consists of the following:

Lake County:
 Gary District 1 Precincts 4 & 10
 Gary District 1 Precincts 22-28
 Gary District 1 Precincts 1-3 & Gary District 2 Precinct 1
 Gary District 1 Precincts 29 & 30
 Gary District 1 Precinct 9
 Gary District 1 Precincts 17 & 18
 Gary District 1 Precinct 7
 Gary District 1 Precincts 14-16
 Gary District 1 Precincts 5 & 6
 Gary District 1 Precincts 11-13 & 19-21
 Gary District 1 Precinct 8
 Gary District 2 Precinct 5
 Gary District 2 Precinct 3
 Gary District 2 Precinct 10
 Gary District 2 Precincts 4, 12 & 13
 Gary District 2 Precinct 2
 Gary District 2 Precinct 7
 Gary District 2 Precinct 8
 Gary District 2 Precinct 6
 Gary District 2 Precinct 11
 Gary District 2 Precincts 9, 15-19
 Gary District 2 Precincts 20, 23 & 24
 Gary District 2 Precinct 26
 Gary District 2 Precinct 14
 Gary District 2 Precincts 21, 22 & 25 District 3 Precincts 9-11
 Gary District 3 Precinct 16
 Gary District 3 Precinct 18
 Gary District 3 Precincts 7 & 8
 Gary District 3 Precinct 17
 Gary District 3 Precinct 12
 Gary District 3 Precinct 19
 Gary District 3 Precincts 5 & 6
 Gary District 3 Precinct 14
 Gary District 3 Precinct 13
 Gary District 3 Precinct 15
 Gary District 4 Precincts 6 & 7
 Gary District 4 Precinct 16

Gary District 4 Precinct 4
 Gary District 4 Precincts 1, 3, 5, 24 & 25
 Gary District 4 Precinct 8
 Gary District 4 Precinct 2
 Gary District 4 Precincts 9, 12, 14, 15, 17, 20 & 21
 Gary District 4 Precinct 11
 Gary District 4 Precinct 23
 Gary District 4 Precincts 18, 19 & 22
 Gary District 4 Precinct 10
 Gary District 4 Precinct 13
 Gary District 5 Precinct 1
 Gary District 5 Precinct 3
 Gary District 5 Precinct 2
 Gary District 6 Precincts 19, 20, 23 & 25
 Lake Station Precincts 3A & 7A
 Lake Station Precincts 11, 2, 3, 3B, 4, 4A, 5, 5A, 6A, 7 & 7B
 Lake Station Precincts 6, 8 & 9
 Lake Station Precincts 10 & 1

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.9.

2-1-1.5-20 Fifteenth District
 Sec. 20. The Fifteenth District, having two (2) members, consists of the following:
 Lake County:

Cedar Lake Precincts 2, 5 & 7
 Cedar Lake Precincts 1, 4 & 6
 Center Township Precinct 3
 Center Township Precinct 1
 Crown Point Precincts 5 & 7
 Crown Point Precincts 1, 10 & 11
 Crown Point Precinct 3
 Crown Point Precinct 2
 Crown Point Precinct 6
 Crown Point Precincts 4, 8 & 9
 Cedar Creek 1 & 2 & 5
 Cedar Creek 3
 Cedar Creek 4
 Center 2 & 4
 Dyer Precinct 3
 Dyer Precinct 6
 Dyer Precincts 1, 2, 4, & 5

Eagle Creek 1
 Hanover 1 & 2 & 3 & Cedar Lake 3
 Merrillville Precincts 26 & 26A
 Merrillville Precincts 2, 16, 21 & 27
 Merrillville Precinct 6
 Merrillville Precinct 3
 Merrillville Precinct 4
 Munster Precinct 10
 Munster Precinct 20
 Munster Precincts 2, 4, 11, 13, 16-19
 Munster Precincts 12, 14-15
 Munster Precincts 1, 3, 5-7
 Munster Precincts 8 & 9
 Ross Township Precinct 13: only that portion that falls within Census Tract 425
 Schererville Precincts 10 & 10A
 Schererville Precincts 11, 11A & 12
 Schererville Precinct 7
 Schererville Precincts 1-3
 Schererville Precinct 4A
 Schererville Precinct 4
 Schererville Precincts 5, 6, 8 & 9
 St. John Town Precincts 1, 1A & 2
 St. John Township Precincts 1 & 2
 St. John Township Precincts 4, 5 & 6
 West Creek 1 & 2 & 3
 As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.10.

2-1-15-21 Sixteenth District

Sec. 21. The Sixteenth District, having one (1) member, consists of the following:

Jasper County:
 Barkley North & South
 Carpenter East & West
 Gillam
 Hanging Grove
 Jordan
 Kankakee
 Keener 1 & 2 & 3 & 4
 Marion 1 & 2 & 3 & 4 & 5 & 6 & 7
 Milroy
 Newton
 Union North & South
 Walker East & West

Wheatfield East & West
 Lake County:
 Merrillville Precincts 5, 24 & 4A
 Winfield 1
 Ross Twp. Precinct 13: only that portion that falls within Census Tract 423
 Porter County:
 Boone Twp.
 Morgan Twp.
 Pleasant Twp.
 Porter Twp.
 Pulaski County:
 Salem Twp.
 Jefferson Twp.
 Monroe 1 & 2 & 3 & 4
 White Post
 As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.11.
 2-1-15-22 Seventeenth District
 Sec. 22. The Seventeenth District, having one (1) member, consists of the following:
 LaPorte County:
 Lincoln Twp.
 Johnson Twp.
 Union Twp.
 Starke County:
 Davis Twp.
 Oregon Twp.
 Washington Twp.
 Center Twp.
 Wayne Twp.
 California Twp.
 North Bend Twp.
 Railroad Twp.
 Jackson Twp.
 Pulaski County:
 Cass Twp.
 Tippecanoe Twp.
 Rich Grove Twp.
 Franklin Twp.
 Fulton County:
 Aubee-Naabee Twp.
 Union Twp.
 Wayne Twp.

Marshall County:
 West Twp.
 Center Twp.
 Union Twp.
 Green Twp.
 Walnut Twp.

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.12.

2-1-15-23 Eighteenth District

Sec. 23. The Eighteenth District, having one (1) member, consists of the following:

Kosciusko County:
 Scott Twp.
 Jefferson Twp.
 Van Buren Twp.
 Turkey Creek Twp.
 Tippecanoe Twp.
 Plain Twp.
 Prairie Twp.
 Wayne Twp.
 Washington Twp.
 Monroe Twp.

Noble County:
 Sparta Twp.
 York Twp.
 Washington Twp.
 Noble Twp.

As added by Acts 1981, P.L.3, SEC.1.

2-1-15-24 Nineteenth District

Sec. 24. The Nineteenth District, having three (3) members, consists of the following:

Allen County:
 Adams A
 Adams B
 Adams 256, Fort Wayne 252, Fort Wayne 255, St. Joseph 260-262, St. Joseph 265
 Cedar Creek A & B
 Cedar Creek C
 Fort Wayne 101 & 104
 Fort Wayne 102, 105 & 107
 Fort Wayne 106
 Fort Wayne 108
 Fort Wayne 109

Fort Wayne 110
 Fort Wayne 111 & 112
 Fort Wayne 151 & 154
 Fort Wayne 153
 Fort Wayne 155
 Fort Wayne 156
 Fort Wayne 157 & 158
 Fort Wayne 160
 Fort Wayne 161 & 162
 Fort Wayne 201 & 203
 Fort Wayne 202
 Fort Wayne 204
 Fort Wayne 205
 Fort Wayne 206
 Fort Wayne 207
 Fort Wayne 209, 210 & 254
 Fort Wayne 250
 Fort Wayne 251
 Fort Wayne 253
 Fort Wayne 301 & 350
 Fort Wayne 302, 303, 351 & 352
 Fort Wayne 353
 Fort Wayne 356
 Fort Wayne 357
 Fort Wayne 358
 Fort Wayne 359
 Fort Wayne 504
 Fort Wayne 505
 Fort Wayne 506
 Fort Wayne 507 & 508
 Fort Wayne 601
 Fort Wayne 602
 Fort Wayne 603
 Fort Wayne 606
 Fort Wayne 607
 Jackson
 Jefferson
 Maumee & Maumee Woodburn
 Milan
 Perry A & B
 Perry C
 Perry D
 Perry E
 Scipio
 Springfield

St. Joseph M, O-1, O-2, Q, 253 & 264
 St. Joseph A & St. Joseph C
 St. Joseph B-1, B & 2
 St. Joseph D
 St. Joseph E-1
 St. Joseph E-2, St. Joseph J-1 & St. Joseph N
 St. Joseph F
 St. Joseph G
 St. Joseph H-1 & H-2
 St. Joseph J-2
 St. Joseph K-1 & K-2
 St. Joseph L
 St. Joseph P
 St. Joseph R-1
 St. Joseph R-2
 St. Joseph 208, 212, 213, 214 & 309
 St. Joseph 257
 St. Joseph 258
 St. Joseph 259 & 211
 St. Joseph 310
 Washington A
 Washington B
 Washington C
 Washington D
 Washington E
 Washington F
 Washington G
 Washington 304
 Washington 305
 Washington 306 & 307
 Washington 308 & 311
 Washington 360
 Washington 361
 Washington 362
 Washington 401
As added by Acts 1981, P.L.3, SEC.1.
2-1-1-25 Twentieth District
 Sec. 25. The Twentieth District, having three (3) members, consists of the following:
 Noble County:
 Swan Twp.
 Whitley County:
 Smith Twp.

Adams County—All
 Allen County:
 Aboite A
 Aboite B
 Aboite C
 Aboite D
 Aboite E
 Aboite F
 Aboite G Wayne B & Wayne C
 Aboite H
 Adams C
 Adams D & Adams E
 Adams F
 Adams G
 Adams H & Adams K
 Adams J
 Adams 610, 611, Fort Wayne 605 & 609
 Adams 612
 Adams 656, 660, 661 & 662
 Adams 657
 Adams 658
 Adams 659
 Eel River
 Fort Wayne 150 & 410
 Fort Wayne 152
 Fort Wayne 354
 Fort Wayne 355
 Fort Wayne 402
 Fort Wayne 403
 Fort Wayne 404
 Fort Wayne 405 & 409
 Fort Wayne 407 & 408
 Fort Wayne 411, 412, 413, 414 & Wayne D
 Fort Wayne 450 & 451
 Fort Wayne 452
 Fort Wayne 453 & 456
 Fort Wayne 454 & 455
 Fort Wayne 457
 Fort Wayne 458 & 459
 Fort Wayne 460
 Fort Wayne 501
 Fort Wayne 502
 Fort Wayne 503
 Fort Wayne 509
 Fort Wayne 510

2-1-1-27 Twenty-Second District
 Sec. 27. The Twenty-Second District, having one (1) member, consists of the following:
 Marshall County:
 German Twp.
 Bourbon Twp.
 Tippecanoe Twp.
 Kosciusko County:
 Etna Twp.
 Harrison Twp.
 Franklin Twp.
 Seward Twp.
 Clay Twp.
 Lake Twp.
 Jackson Twp.
 Wabash County:
 Pleasant Twp.
 Chester Twp.
 Paw Paw Twp.
 Lagro Twp.
 Noble Twp.
As added by Acts 1981, P.L.3, SEC.1.
2-1-1-28 Twenty-Third District
 Sec. 28. The Twenty-Third District, having one (1) member, consists of the following:
 Fulton County:
 Richland Twp.
 New Castle Twp.
 Rochester Twp.
 Henry Twp.
 Miami County—All except Jackson Township
 Wabash County:
 Waltz Twp.
 Liberty Twp.
As added by Acts 1981, P.L.3, SEC.1.
2-1-1-29 Twenty-Fourth District
 Sec. 29. The Twenty-Fourth District, having one (1) member, consists of the following:
 Fulton County:
 Liberty Twp.
 Cass County—All
 Carroll County:
 Rock Creek Twp.

Fort Wayne 512
 Fort Wayne 513
 Fort Wayne 550
 Fort Wayne 551
 Fort Wayne 552
 Fort Wayne 553
 Fort Wayne 554 & 555
 Fort Wayne 556
 Fort Wayne 557 & 560
 Fort Wayne 558 & 559
 Fort Wayne 604
 Fort Wayne 608
 Fort Wayne 650
 Fort Wayne 651
 Fort Wayne 652
 Fort Wayne 653
 Fort Wayne 654 & 655
 Lafayette A & B
 Lake
 Madison
 Marion A & B
 Monroc
 New Haven 1, 3 & 4
 New Haven 2
 Pleasant A
 Pleasant B
 Wayne A
 Wayne F
As added by Acts 1981, P.L.3, SEC.1.
2-1-1-26 Twenty-First District
 Sec. 26. The Twenty-First District, having one (1) member, consists of the following:
 Whitley County:
 Etna-Troy Twp.
 Thorn Creek Twp.
 Richland Twp.
 Columbia Twp.
 Union Twp.
 Cleveland Twp.
 Washington Twp.
 Jefferson Twp.
 Huntington County—All except Salamonie Township
As added by Acts 1981, P.L.3, SEC.1.

Liberty Twp.
Washington Twp.
Carrollton Twp.
Burlington Twp.
Monroe Twp.
Jackson Twp.
Deer Creek Twp.
As added by Acts 1981, P.L.3, SEC.1.
2-1-1.5-30 Twenty-Fifth District
Sec. 30. The Twenty-Fifth District, having one (1) member, consists of the following:
Benton County—All except Hickory Grove Twp.
Carroll County:
Jefferson Twp.
Adams Twp.
Tippecanoe Twp.
Pulaski County:
Van Buren Twp.
Harrison Twp.
Beaver Twp.
Indian Creek Twp.
White County—All
Newton County—All
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.13.

2-1-1.5-31 Twenty-Sixth District
Sec. 31. The Twenty-Sixth District, having one (1) member, consists of the following:

Tippecanoe County:
Wabash Twp.
Shelby Twp.
Tippecanoe Twp.
Warren County:
Medina Twp.
Adams Twp.
Warren Twp.
Liberty Twp.
Washington Twp.
As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-32 Twenty-Seventh District
Sec. 32. The Twenty-Seventh District, having one (1) member, consists of the following:

Tippecanoe County:
Fairfield 1 & 2
Fairfield 11
Fairfield 12
Fairfield 13 & 14
Fairfield 15
Fairfield 16
Fairfield 17
Fairfield 18 & 25
Fairfield 19
Fairfield 20
Fairfield 21
Fairfield 22
Fairfield 23
Fairfield 24
Fairfield 26
Fairfield 27
Fairfield 29
Fairfield 3
Fairfield 31
Fairfield 4
Fairfield 5
Fairfield 6
Fairfield 7
Fairfield 8
Fairfield 9 & 10
Wea Twp.
As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-33 Twenty-Eighth District
Sec. 33. The Twenty-Eighth District, having one (1) member, consists of the following:

Carroll County:
Madison Twp.
Clay Twp.
Democrat Twp.
Clinton County:
Ross Twp.
Owen Twp.
Michigan Twp.
Union Twp.
Madison Twp.
Washington Twp.
Center Twp.
Perry Twp.

Jackson Twp.
Kirkland Twp.
Hamilton County:
Washington Twp.
Mt. Carmel:
(Clay Twp. Tract 1109.02 p—Block Group 2p, 9 & ED0028)

Boone County:

Marion Twp.
Union Twp.
Worth Twp.

Tippecanoe County:
Fairfield 28 & 30
Perry Twp.
Sheffield Twp.
Washington Twp.

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.14.

2-1-1.5-34 Twenty-Ninth District

Sec. 34. The Twenty-Ninth District, having one (1) member, consists of the following:

Clinton County:

Warren Twp.
Forest Twp.
Johnson Twp.
Sugar Creek Twp.

Howard County—All except Jackson Township and that portion of Howard County described as included in House District Thirty under section 35 of this chapter.

Hamilton County:

Adams Twp.
Tipton County—All

As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-35 Thirtieth District

Sec. 35. The Thirtieth District, having one (1) member, consists of the following:

Howard County:
Center 1
Center 3
Clay Twp.
Kokomo 11, 12 & 13
Kokomo 14

Kokomo 22
Kokomo 23
Kokomo 21, 24, 51, 54, 61, 62, 63 & 65
Kokomo 31 & 34
Kokomo 32
Kokomo 33
Kokomo 41
Kokomo 42, 43, 44, 45 & 53
Kokomo 52
Kokomo 55
Kokomo 64

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.15.

2-1-1.5-36 Thirty-First District

Sec. 36. The Thirty-First District, having two (2) members, consists of the following:

Grant County—All
Miami County:
Jackson Twp.
Howard County:
Jackson Twp.
Madison County:
Duck Creek Twp.
Boone Twp.
Van Buren Twp.
Lafayette Twp.
Monroe Twp.
Richland Twp. Precincts 1, 2 & 4

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.16.

2-1-1.5-37 Thirty-Second District

Sec. 37. The Thirty-Second District, having one (1) member, consists of the following:

Wells County—All
Huntington County:
Salomonie Twp.
Jay County:
Penn Twp.
Jackson Twp.
Green Twp.
Knox Twp.
Blackford County—All
Delaware County:

Union Twp.
Niles Twp.
Delaware Twp.
As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-38 Thirty-Third District
Sec. 38. The Thirty-Third District, having one (1) member, consists of the following:
Jay County:
Bear Creek Twp.
Wabash Twp.
Noble Twp.
Wayne Twp.
Madison Twp.
Pike Twp.
Jefferson Twp.
Richland
Henry County:
Stoney Creek Twp.
Blue River Twp.
Wayne County:
Dalton Twp.
Perry Twp.
Franklin Twp.
Randolph County—All
As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-39 Thirty-Fourth District
Sec. 39. The Thirty-Fourth District, having one (1) member, consists of the following:
Delaware County:
Liberty Twp.
Monroe Twp.
Precinct 1
Precinct 11
Precinct 17
Precinct 19
Precinct 20
Precinct 29
Precinct 3
Precinct 30
Precinct 32
Precinct 35
Precincts 40, 43, 45 & 48
Precinct 5

Precinct 7
Precincts 9, 22 & 16
Precincts 12, 18, 21, 28, 37, 39, 41 & 46
Precincts 13 & 31
Perry Twp.
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.17.

2-1-1.5-40 Thirty-Fifth District
Sec. 40. The Thirty-Fifth District, having one (1) member, consists of the following:
Delaware County:
Hamilton Twp.
Harrison Twp.
Precinct 10
Precincts 14, 15, 23, & 44
Precinct 2
Precinct 24
Precincts 25, 33, 34, & 42
Precinct 26
Precinct 36
Precinct 4
Precinct 55
Precinct 38
Precincts 47 & 49
Precinct 74
Precinct 8
Precincts 6 & 27
Washington Twp.
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.18.

2-1-1.5-41 Thirty-Sixth District
Sec. 41. The Thirty-Sixth District, having one (1) member, consists of the following:
Delaware County:
Precinct 53
Precinct 54
Precinct 72
Precinct 71
Salem Twp.
Madison County:
Adams Twp.
Anderson Twp. 11
Anderson Ward 1, Precinct 1

Fall Creek Precinct 2
Fall Creek Precinct 1
Anderson Precinct 9
Anderson Precinct 10
Richland Twp. Precinct 3
Union Twp.
Ward 1 Precincts 2-8, Ward 2 Precincts 2-3 & 7, Ward 5 Precincts 1-5 & 4A
Ward 2 Precinct 1
Ward 4 Precinct 7, Ward 5 Precincts 6 & 8, Ward 6 Precinct 1
Ward 5 Precinct 7
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.19.

2-1-1.5-42 Thirty-Seventh District
Sec. 42. The Thirty-Seventh District, having one (1) member, consists of the following:
Madison County:
Fall Creek Precinct 3 & Precinct 7
Fall Creek 6, 4, 5 & 8
Green Twp.
Stoney Creek Twp.
Ward 2 Precinct 10
Ward 2 Precinct 11
Ward 2 Precinct 4
Ward 2 Precinct 5
Ward 2 Precinct 6
Ward 2 Precinct 8
Ward 2 Precinct 9
Ward 3 Precinct 1
Ward 3 Precinct 2
Ward 3 Precincts 3 & 4
Ward 3 Precincts 5 & 6
Ward 3 Precinct 7
Ward 3 Precinct 8
Ward 3 Precincts 9-10 & Ward 4 Precincts 4-6 & 11
Ward 4 Precinct 1
Ward 4 Precinct 2
Ward 4 Precinct 3
Ward 6 Precinct 11
Ward 6 Precinct 2
Ward 6 Precincts 3 & 7
Ward 6 Precinct 4
Hancock County:
Green Twp.
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.20.

2-1-1.5-43 Thirty-Eighth District
Sec. 43. The Thirty-Eighth District, having one (1) member, consists of the following:
Madison County:
Pipe Creek Twp.
Jackson Twp.
Hamilton County:
Jackson Twp.
White River Twp.
Noblesville Twp.
Wayne Twp.
Delaware Twp., Fall Creek Twp.
As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-44 Thirty-Ninth District
Sec. 44. The Thirty-Ninth District, having one (1) member, consists of the following:
Hamilton County:
Clay Twp.—All except Mt. Carmel: (Tract 1109.02 p—Block Group 2P, 9 & ED0028)
Boone County:
Eagle Twp.
Perry Twp.
Center Twp.
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.21.

2-1-1.5-45 Fortieth District
Sec. 45. The Fortieth District, having one (1) member, consists of the following:
Boone County:
Clinton Twp.
Washington Twp.
Sugar Creek Twp.

Jefferson Twp.
 Jackson Twp.
 Harrison Twp.
 Montgomery County:
 Sugar Creek Twp.
 Franklin Twp.
 Walnut Twp.
 Clark Twp.
 Scott Twp.
 Hendricks County:
 Brown Twp.
 Lincoln Twp.
 Middle Twp.
 Union Twp.
 Eel River Twp.
 Marion Twp.
 Center Twp.
 Clay Twp.
 Franklin Twp.
 Washington Twp. Precinct 6

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.22.

2-1-1.5-46 Forty-First District
 Sec. 46. The Forty-First District, having one (1) member, consists of the following:

Tippecanoe County:
 Wayne Twp.
 Union Twp.
 Jackson Twp.
 Randolph Twp.
 Lauramie Twp.
 Montgomery County:
 Coal Creek Twp.
 Madison Twp.
 Union Twp.
 Wayne Twp.
 Ripley Twp.
 Brown Twp.
 Fountain County:
 Richland Twp.
 Cain Twp.
 Jackson Twp.

Parke County—All except Liberty Township
As added by Acts 1981, P.L.3, SEC.1.

2-1-1.5-47 Forty-Second District
 Sec. 47. The Forty-Second District, having one (1) member, consists of the following:

Benton County:
 Hickory Grove Twp.

Warren County:

Prairie Twp.

Pine Twp.

Jordan Twp.

Pike Twp.

Steuben Twp.

Kent Twp.

Mound Twp.

Fountain County:

Shawnee Twp.

Troy Twp.

Van Buren Twp.

Wabash Twp.

Mill Creek Twp.

Fulton Twp.

Logan Twp.

Davis Twp.

Parke County:

Liberty Twp.

Vermillion County—All

Vigo County:

Fayette Twp.

Harrison 6A

Harrison 6B

Otter Creek Twp.

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.23.

2-1-1.5-48 Forty-Third District

Sec. 48. The Forty-Third District, having one (1) member, consists of the following:

Vigo County:

Harrison 1A

Harrison 1B

Harrison 1C & 1D

Harrison 1E

Harrison 2A & 2D

Harrison 2B
 Harrison 2C
 Harrison 2E
 Harrison 2F
 Harrison 2G
 Harrison 2H
 Harrison 2I & 2J
 Harrison 3A
 Harrison 3B
 Harrison 3C
 Harrison 3E
 Harrison 3F
 Harrison 3G & 3H
 Harrison 3I
 Harrison 3J
 Harrison 3K
 Harrison 4B
 Harrison 4C
 Harrison 4D & 4E
 Harrison 4F
 Harrison 4G
 Harrison 5A & 5H
 Harrison 5D
 Harrison 5E
 Harrison 5F & 5G
 Harrison 6C, 6D, 6E & 6F
 Harrison 7A
 Harrison 7B
 Harrison 7C
 Harrison 7D
 Harrison 7E
 Harrison 7F
 Harrison 7G & 7J
 Harrison 7I & 7H
 Harrison 7K
 Harrison 7L
 Harrison 8A
 Harrison 8B
 Harrison 8C
 Harrison 8D
 Harrison 8E & 8F
 Nevins Twp.
 Lost Creek A & E

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.24.

2-1-1.5-49 Forty-Fourth District

Sec. 49. The Forty-Fourth District, having one (1) member, consists of the following:

Clay County—All except Harrison and Lewis Townships

Putnam County—All

Vigo County:

Lost Creek Precincts B, C, D & 8G

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.25.

2-1-1.5-50 Forty-Fifth District

Sec. 50. The Forty-Fifth District, having one (1) member, consists of the following:

Vigo County:

Harrison 1F & 1G

Harrison 4A, 5B & 5C

Prairie Creek Twp.

Prairieton Twp.

Sugar Creek Twp.

Sullivan County:

Fairbank Twp.

Curry Twp.

Turman Twp.

Gill Twp.

Haddon Twp.

Jefferson Twp.

Cass Twp.

Greene County:

Wright Twp.

Knox County—All except Vincennes and Decker Townships

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.26.

2-1-1.5-51 Forty-Sixth District

Sec. 51. The Forty-Sixth District, having one (1) member, consists of the following:

Vigo County:

Honey Creek Twp.

Harrison Precinct 1H

Riley Twp.

Linton Twp.

Pierson Twp.

Sullivan County:

Jackson Twp.
 Hamilton Twp.
 Clay County:
 Harrison Twp.
 Lewis Twp.
 Greene County:
 Smith Twp.
 Jefferson Twp.
 Monroe County:
 Bean Blossom Twp.
 Morgan County:
 Jefferson Twp.
 Ray Twp.
 Owen County—All

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.27.

2-1-1.5-52 Forty-Seventh District
 Sec. 52. The Forty-Seventh District, having one (1) member, consists of the following:

Hendricks County:
 Liberty Twp.
 Morgan County:
 Ashland Twp.
 Baker Twp.
 Gregg Twp.
 Monroe Twp.
 Clay Twp.
 Brown Twp.
 Madison Twp.
 Harrison Twp.
 Green Twp.
 Jackson Twp.
 Washington Twp.
 Johnson County:
 Union Twp.

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.28.

2-1-1.5-53 Forty-Eighth District
 Sec. 53. The Forty-Eighth District, having three (3) members, consists of the following:

Hendricks County:
 Guilford Precinct 1
 Guilford Precinct 8

Guilford Precinct 9
 Guilford Township—City of Plainfield 3
 Guilford Township—City of Plainfield 4, 5, 6, 10, 11, 2, 7, & 12
 Washington Precincts 4 & 5
 Washington Precinct 3
 Washington Precincts 1 & 2
 Marion County:
 Center Ward 14 Precincts 4 & 5
 Center Ward 14 Precinct 1
 Center Ward 14 Precinct 6
 Center Ward 14 Precinct 3
 Pike Precinct 1
 Pike Precinct 14
 Pike Precinct 18
 Pike Precinct 2
 Pike Precinct 3
 Pike Precincts 4 & 21
 Pike Precincts 8 & 20
 Pike Precinct 9
 Washington Precincts 46 & 69
 Washington Precincts 22, 63, 67, 73, & 74
 Washington Precincts 33, 34, 53, & 68
 Washington Precinct 7
 Washington Precincts 26 & 29
 Washington Precincts 47 & 48
 Washington Precinct 38
 Washington Precinct 62
 Washington Precincts 2, 12, 43 & Ward 21
 Precincts 11 & 12
 Washington Precinct 13
 Washington Ward 21 Precinct 19
 Wayne Precincts 1 & 48
 Wayne Precincts 10 & 52
 Wayne Precincts 11, 20, & 45
 Wayne Precinct 12
 Wayne Precinct 13
 Wayne Precinct 15
 Wayne Precinct 17
 Wayne Precincts 18, 27, 59 & 60
 Wayne Precinct 19
 Wayne Precinct 2
 Wayne Precinct 21
 Wayne Precinct 22
 Wayne Precincts 23, 56, 62 & 63

Wayne Precinct 26
 Wayne Precincts 28, 38, 47 & 49
 Wayne Precinct 3
 Wayne Precinct 31
 Wayne Precincts 32, 42, 43, 51, 55, 69, & 72
 Wayne Precinct 34
 Wayne Precincts 35, 36, 53 & 58
 Wayne Precinct 39
 Wayne Precincts 4 & 33
 Wayne Precinct 40
 Wayne Precinct 44
 Wayne Precinct 46
 Wayne Precincts 5, 25, 37, & Ward 24
 Precinct 1 & Ward 19 Precincts 7 & 8
 Wayne Precinct 50
 Wayne Precinct 54
 Wayne Precinct 57
 Wayne Precincts 6, 14, 30 & 41
 Wayne Precinct 61
 Wayne Precinct 66
 Wayne Precinct 67
 Wayne Precinct 68
 Wayne Precincts 7 & 8
 Wayne Precinct 70
 Wayne Precinct 65
 Wayne Precinct 71
 Wayne Precinct 73
 Wayne Precincts 9, 29, & 64
 Wayne Ward 24 Precinct 6
 Wayne Ward 24 Precinct 4
 Wayne Ward 24 Precinct 5
 Wayne Ward 24 Precinct 7
 Wayne Ward 24 Precinct 2
 Wayne Ward 29 Precinct 28
 Wayne Ward 29 Precinct 9
 Wayne Ward 29 Precinct 19
 Wayne Ward 29 Precinct 12
 Wayne Ward 29 Precinct 26
 Wayne Ward 29 Precincts 10, 14, & 25
 Wayne Ward 29 Precinct 18
 Wayne Ward 29 Precinct 7
 Wayne Ward 29 Precinct 15
 Wayne Ward 29 Precinct 13
 Wayne Ward 29 Precinct 20
 Wayne Ward 29 Precincts 5 & 8

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.29.

2-1-1.5-54 Forty-Ninth District
 Sec. 54. The Forty-Ninth District, having three (3) members, consists of the following:

Marion County:
 Lawrence Precinct 39
 Lawrence Precincts 9 & 19 & Ward 27
 Precinct 12
 Lawrence Precinct 41
 Lawrence Precinct 21
 Lawrence Precinct 43
 Lawrence Precincts 4 & 18
 Lawrence Precincts 28 & 44
 Lawrence Precincts 5, 10, 11, 26 & 40
 Lawrence Precincts 27 & 35
 Lawrence Precincts 3, 7, 24, 31, 32, 36, & 37
 Lawrence Precincts 29 & 33
 Lawrence Precinct 2 & Ward 27 Precincts 8 & 13
 Lawrence Precinct 14
 Lawrence Ward 27 Precincts 11 & 26
 Lawrence Ward 27 Precinct 7
 Lawrence Ward 27 Precinct 4
 Lawrence Ward 27 Precincts 6, 17, & 25
 Pike Precincts 10 & 17
 Pike Precinct 12
 Pike Precinct 13
 Pike Precinct 19
 Pike Precinct 22
 Pike Precinct 5
 Pike Precincts 6, 11, 15, 16, & Ward 32
 Precincts 2, 4, & 5
 Pike Precinct 7
 Pike Ward 32 Precincts 1 & 3
 Washington Precinct 45
 Washington Precinct 35
 Washington Precinct 56
 Washington Precinct 32
 Washington Precinct 37
 Washington Precincts 25 & 72
 Washington Precinct 57
 Washington Precinct 40 Ward 21 Precincts 13, 16, 17 & 18 & Ward 22 Precincts 3 & 13

Washington Precincts 42 & 75
 Washington Precinct 36
 Washington Precinct 71
 Washington Precinct 1
 Washington Precinct 52
 Washington Precincts 44 & 70
 Washington Precincts 8 & 30
 Washington Precinct 23
 Washington Precincts 65 & 66
 Washington Precincts 3 & 41
 Washington Precinct 58
 Washington Precincts 24 & 50
 Washington Precincts 76 & 77
 Washington Precincts 5, 21, 39 & Ward 31
 Precinct 9
 Washington Precinct 15
 Washington Precincts 11, 54 & Ward 21
 Precinct 10
 Washington Precincts 49, 50 & 61
 Washington Precincts 9 & 10
 Washington Precincts 6, 28, 31, & 55
 Washington Precinct 18
 Washington Precincts 4 & 59
 Washington Precinct 20
 Washington Precinct 17
 Washington Precincts 27 & 64
 Washington Precincts 14, 19, 51 & Ward 21
 Precinct 1
 Washington Precinct 16
 Washington Ward 20 Precinct 10
 Washington Ward 20 Precinct 2
 Washington Ward 20 Precincts 1 & 5
 Washington Ward 20 Precinct 4
 Washington Ward 20 Precinct 3
 Washington Ward 20 Precinct 7
 Washington Ward 20 Precinct 6
 Washington Ward 20 Precinct 9
 Washington Ward 20 Precinct 8
 Washington Ward 20 Precinct 12
 Washington Ward 20 Precinct 13
 Washington Ward 21 Precinct 14
 Washington Ward 21 Precinct 23
 Washington Ward 21 Precinct 21
 Washington Ward 21 Precinct 15
 Washington Ward 21 Precinct 22

Washington Ward 21 Precinct 2
 Washington Ward 21 Precinct 20
 Washington Ward 21 Precinct 3
 Washington Ward 21 Precinct 4
 Washington Ward 21 Precinct 5
 Washington Ward 21 Precinct 6
 Washington Ward 21 Precinct 7
 Washington Ward 21 Precinct 8
 Washington Ward 21 Precinct 9
 Washington Ward 22 Precinct 7
 Washington Ward 22 Precinct 6
 Washington Ward 22 Precinct 1
 Washington Ward 22 Precincts 2 & 8
 Washington Ward 22 Precinct 4
 Washington Ward 22 Precinct 14
 Washington Ward 22 Precinct 11
 Washington Ward 22 Precinct 9
 Washington Ward 22 Precinct 10
 Washington Ward 22 Precinct 12
 Washington Ward 31 Precincts 1 & 2
 Washington Ward 31 Precinct 3
 Washington Ward 31 Precinct 8
 Washington Ward 31 Precincts 4, 5, & 7
 Washington Ward 31 Precinct 6
 Wayne Ward 29 Precincts 16, 24, 29, & 30
 Wayne Ward 29 Precinct 11
 Wayne Ward 29 Precincts 21 & 22
 Wayne Ward 29 Precinct 6
 Wayne Ward 29 Precinct 23
 As added by Acts 1981, P.L.3, SEC.1. Amended
 by Acts 1982, P.L.4, SEC.30.
2-1-1.5-55 Fiftieth District
 Sec. 55. The Fiftieth District, having three
 (3) members, consists of the following:
 Marion County:
 Center Outside Precinct 4
 Center Ward 10 Precinct 9
 Center Ward 2 Precinct 1
 Center Ward 2 Precincts 3 & 10
 Center Ward 2 Precincts 2, 9, & 11
 Center Ward 2 Precincts 4, 6, & 7
 Center Ward 2 Precinct 8
 Center Ward 2 Precinct 5
 Center Ward 25 Precinct 1

Center Ward 25 Precinct 7
 Center Ward 25 Precinct 10
 Center Ward 25 Precincts 8, 9, 11, 12, & 14
 Center Ward 25 Precinct 5
 Center Ward 25 Precinct 13
 Center Ward 25 Precincts 4 & 6
 Center Ward 25 Precinct 3
 Center Ward 9 Precinct 5
 Center Ward 9 Precinct 16
 Center Ward 9 Precincts 1, 2 & 17
 Center Ward 9 Precinct 10
 Center Ward 9 Precinct 8
 Center Ward 9 Precinct 14
 Center Ward 9 Precinct 4
 Center Ward 9 Precinct 12
 Center Ward 9 Precinct 7
 Center Ward 9 Precinct 9
 Center Ward 9 Precinct 3
 Center Ward 9 Precinct 11
 Center Ward 9 Precinct 6
 Center Ward 9 Precincts 13 & 15
 Franklin Precinct 10
 Franklin Precinct 12
 Franklin Precinct 1
 Franklin Precincts 2 & 8
 Franklin Precinct 6
 Franklin Precinct 11
 Franklin Precinct 3
 Franklin Precinct 9
 Franklin Precinct 4
 Lawrence Precincts 17, 34 & 20
 Lawrence Precinct 42 & Ward 27 Precincts
 15, 16, 20 & 23
 Lawrence Precincts 6, 23 & 25
 Lawrence Precinct 16
 Lawrence Precincts 1 & 13
 Lawrence Precinct 30
 Lawrence Precinct 8
 Lawrence Precinct 38
 Lawrence Precincts 12, 22 & Ward 27
 Precinct 24
 Lawrence Ward 27 Precincts 14, 18, 19, &
 21
 Warren Precincts 1, 27 & 30
 Warren Precincts 10 & 25
 Warren Precinct 11 & Ward 28 Precincts 8
 & 14
 Warren Precinct 14
 Warren Precincts 15 & 22
 Warren Precinct 16
 Warren Precincts 17 & 42
 Warren Precinct 19
 Warren Precincts 2, 4, 32 & Ward 18
 Precincts 1, 2, 4, 12 & 14
 Warren Precincts 20 & 40
 Warren Precincts 23 & 38
 Warren Precinct 24
 Warren Precinct 26
 Warren Precinct 28
 Warren Precinct 29
 Warren Precincts 3, 12, & 13
 Warren Precinct 31
 Warren Precinct 33 & Ward 28 Precinct 4
 Warren Precincts 34 & 39
 Warren Precincts 35 & 43
 Warren Precincts 36 & 51
 Warren Precinct 41
 Warren Precinct 45 & Ward 28 Precincts 15
 & 22
 Warren Precinct 46 & Ward 28 Precinct 18
 Warren Precinct 48
 Warren Precincts 49 & 50
 Warren Precincts 5 & 44
 Warren Precinct 6
 Warren Precincts 7, 17, 37 & Ward 28
 Precincts 11, 17, 19, & 23
 Warren Precincts 8 & 18
 Warren Precincts 9 & 21
 Warren Ward 18 Precinct 15
 Warren Ward 18 Precinct 11
 Warren Ward 18 Precinct 3
 Warren Ward 18 Precinct 6
 Warren Ward 18 Precinct 7
 Warren Ward 18 Precinct 8
 Warren Ward 18 Precinct 5
 Warren Ward 18 Precinct 10
 Warren Ward 18 Precinct 9
 Warren Ward 18 Precinct 13
 Warren Ward 25 Precinct 25
 Warren Ward 28 Precinct 26

Warren Ward 28 Precinct 20
 Warren Ward 28 Precinct 2
 Warren Ward 28 Precinct 28
 Warren Ward 28 Precinct 3
 Warren Ward 28 Precinct 7
 Warren Ward 28 Precincts 1, 5, & 6
 Warren Ward 28 Precinct 12
 Warren Ward 28 Precinct 29
 Warren Ward 28 Precinct 9
 Warren Ward 28 Precinct 21
 As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.31.
2-1-1.5-56 Fifty-First District
 Sec. 56. The Fifty-First District, having three (3) members, consists of the following:
 Marion County:
 Center Ward 1 Precinct 1
 Center Ward 1 Precinct 2
 Center Ward 1 Precinct 6
 Center Ward 1 Precinct 12
 Center Ward 1 Precinct 3
 Center Ward 1 Precinct 13
 Center Ward 1 Precincts 7 & 9
 Center Ward 1 Precinct 4
 Center Ward 1 Precinct 10
 Center Ward 1 Precinct 5
 Center Ward 10 Precinct 8
 Center Ward 10 Precinct 10
 Center Ward 10 Precinct 4
 Center Ward 10 Precinct 5
 Center Ward 10 Precinct 2
 Center Ward 10 Precinct 7
 Center Ward 10 Precinct 6
 Center Ward 10 Precincts 1 & 3
 Center Ward 11 Precinct 1
 Center Ward 11 Precinct 5
 Center Ward 11 Precinct 4
 Center Ward 11 Precinct 3
 Center Ward 12 Precincts 1 & 6
 Center Ward 12 Precinct 4
 Center Ward 12 Precincts 2, 3 & 7
 Center Ward 13 Precincts 5, 12, & 13
 Center Ward 13 Precinct 11
 Center Ward 13 Precinct 1

Center Ward 13 Precincts 2, 3, & 4
 Center Ward 15 Precincts 1 & 2 & Ward 13
 Precinct 7 and Ward 16 Precincts 1 & 5
 Center Ward 16 Precinct 11
 Center Ward 16 Precinct 6
 Center Ward 16 Precinct 2
 Center Ward 16 Precinct 7
 Center Ward 16 Precinct 3
 Center Ward 16 Precinct 8
 Center Ward 17 Precinct 4
 Center Ward 23 Precinct 2
 Center Ward 23 Precinct 3
 Center Ward 23 Precinct 10
 Center Ward 23 Precinct 4
 Center Ward 25 Precinct 2
 Center Ward 3 Precinct 1 & Ward 23
 Precincts 1, 6, 7, 8, & 9
 Center Ward 3 Precinct 3
 Center Ward 3 Precinct 6
 Center Ward 3 Precinct 4
 Center Ward 3 Precinct 7
 Center Ward 4 Precinct 8
 Center Ward 4 Precinct 4
 Center Ward 4 Precinct 2
 Center Ward 4 Precinct 1
 Center Ward 4 Precinct 3
 Center Ward 4 Precinct 6
 Center Ward 4 Precincts 5 & 7
 Center Ward 5 Precinct 6
 Center Ward 5 Precinct 4
 Center Ward 5 Precinct 2
 Center Ward 5 Precinct 1
 Center Ward 5 Precincts 5 & 7
 Center Ward 5 Precinct 3
 Center Ward 6 Precincts 2 & 7
 Center Ward 6 Precinct 3
 Center Ward 6 Precinct 4
 Center Ward 6 Precinct 1
 Center Ward 6 Precinct 6
 Center Ward 6 Precinct 5
 Center Ward 6 Precincts 8 & 10
 Center Ward 6 Precinct 9
 Center Ward 7 Precinct 4 & Ward 3 Precinct 2
 Center Ward 7 Precinct 1

Center Ward 7 Precinct 5
 Center Ward 7 Precinct 2
 Center Ward 7 Precinct 3
 Center Ward 8 Precinct 3
 Center Ward 8 Precincts 4 & 5 & Ward 23
 Precinct 5
 Center Ward 8 Precinct 1
 Center Ward 8 Precinct 2 & Ward 3 Precinct 5
 Lawrence Precinct 15 & Ward 27 Precinct 2
 Lawrence Ward 27 Precinct 3
 Lawrence Ward 27 Precinct 5
 Lawrence Ward 27 Precincts 9 & 27
 Lawrence Ward 27 Precincts 1 & 10
 Warren Ward 28 Precincts 10 & 24
 Warren Ward 28 Precinct 13
 Warren Ward 28 Precinct 16
 Washington Ward 20 Precinct 11
 Wayne Ward 19 Precinct 5
 Wayne Ward 19 Precinct 4
 Wayne Ward 19 Precinct 3
 Wayne Ward 19 Precincts 11 & 12
 Wayne Ward 19 Precinct 6
 Wayne Ward 19 Precinct 1
 Wayne Ward 19 Precinct 9 & Ward 24
 Precinct 3
 Wayne Ward 19 Precinct 2
 Wayne Ward 19 Precinct 10
 Wayne Ward 29 Precincts 1, 2, 3, 4, 17, & 27
 As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.32.

2-1-1.5-57 Fifty-Second District
 Sec. 57. The Fifty-Second District, having three (3) members, consists of the following:

Johnson County:
 White River 2
 White River 5
 White River 1, 3, 4 & 6
 Marion County:
 Center Outside Precincts 2 & 3
 Center Outside Precinct 1
 Center Ward 13 Precinct 6
 Center Ward 13 Precincts 8 & 9
 Center Ward 13 Precinct 10

Center Ward 14 Precinct 2
 Center Ward 17 Precinct 8
 Center Ward 17 Precincts 1 & 2 & Ward 16
 Precincts 4 & 10
 Center Ward 17 Precinct 7
 Center Ward 17 Precinct 6
 Center Ward 17 Precinct 10
 Center Ward 17 Precincts 3 & 9
 Center Ward 30 Precinct 4
 Center Ward 30 Precinct 1
 Center Ward 30 Precinct 9
 Center Ward 30 Precincts 2 & 5 & Ward 17
 Precinct 5
 Center Ward 30 Precinct 6
 Center Ward 30 Precinct 11
 Center Ward 30 Precinct 10
 Center Ward 30 Precincts 7 & 8
 Center Ward 30 Precinct 12
 Decatur Precincts 1, 8 & 12
 Decatur Precinct 16
 Decatur Precincts 11 & 14
 Decatur Precinct 10
 Decatur Precincts 2, 4, 5, 7, 9, 13, 15, 17, & 18
 Decatur Precinct 3
 Decatur Precinct 6
 Franklin Precinct 14
 Franklin Precinct 5
 Franklin Precincts 13 & 15
 Franklin Precinct 7
 Perry Precincts 1 & 12
 Perry Precinct 10
 Perry Precinct 11
 Perry Precinct 13 & Ward 26 Precinct 6
 Perry Precinct 14
 Perry Precinct 15
 Perry Precincts 16, 23, & 50
 Perry Precinct 17
 Perry Precinct 18
 Perry Precincts 19 & 64
 Perry Precinct 2
 Perry Precinct 20
 Perry Precinct 21
 Perry Precinct 22
 Perry Precinct 24

Perry Precinct 25
 Perry Precinct 26
 Perry Precincts 27 & 43
 Perry Precinct 28
 Perry Precincts 29 & 49
 Perry Precinct 3
 Perry Precinct 30
 Perry Precinct 31
 Perry Precinct 32
 Perry Precinct 33
 Perry Precincts 34 & 57
 Perry Precinct 36
 Perry Precinct 37
 Perry Precinct 38
 Perry Precinct 39
 Perry Precinct 4
 Perry Precinct 40
 Perry Precincts 41 & 51
 Perry Precinct 42
 Perry Precinct 44
 Perry Precinct 45
 Perry Precinct 46
 Perry Precinct 47
 Perry Precinct 48
 Perry Precincts 5 & 35
 Perry Precinct 53
 Perry Precincts 54, 59 & 66
 Perry Precinct 56
 Perry Precinct 58
 Perry Precincts 6 & 65
 Perry Precinct 60
 Perry Precinct 61 & Center Ward 26 Precinct 1
 Perry Precinct 62
 Perry Precinct 63 & Ward 26 Precincts 4 & 5
 Perry Precinct 67
 Perry Precinct 68
 Perry Precinct 7
 Perry Precinct 8
 Perry Precincts 9, 52, & 55
 Perry Ward 26 Precinct 2
 Perry Ward 26 Precinct 3
 Wayne Precinct 16
 Wayne Precinct 24

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.33.
2-1-15-58 Fifty-Third District
 Sec. 58. The Fifty-Third District, having one (1) member, consists of the following:
 Hancock County—All except Green and Brandywine Townships
 Rush County:
 Ripley Twp.
 Center Twp.
 Washington Twp.
 Jackson Twp.
 Union Twp.
 Rushville Twp.
As added by Acts 1981, P.L.3, SEC.1.
2-1-15-59 Fifty-Fourth District
 Sec. 59. The Fifty-Fourth District, having one (1) member, consists of the following:
 Henry County—All except Stoney Creek and Blue River Townships
 Wayne County:
 Jefferson Twp.
As added by Acts 1981, P.L.3, SEC.1.
2-1-15-60 Fifty-Fifth District
 Sec. 60. The Fifty-Fifth District, having one (1) member, consists of the following:
 Wayne County:
 New Garden Twp.
 Green Twp.
 Webster Twp.
 Clay Twp.
 Harrison Twp.
 Jackson Twp.
 Washington Twp.
 Abington Twp.
 Boston Twp.
 Fayette County—All except Orange Twp.
 Union County—All
 Franklin County:
 Posey Twp.
 Laurel Twp.
 Blooming Grove Twp.
 Fairfield Twp.

Bath Twp.
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.34.
2-1-15-61 Fifty-Sixth District
 Sec. 61. The Fifty-Sixth District, having one (1) member, consists of the following:
 Wayne County:
 Wayne Twp.
 Center Twp.
As added by Acts 1981, P.L.3, SEC.1.
2-1-15-62 Fifty-Seventh District
 Sec. 62. The Fifty-Seventh District, having one (1) member, consists of the following:
 Hancock County:
 Brandywine Twp.
 Rush County:
 Posey Twp.
 Walker Twp.
 Orange Twp.
 Anderson Twp.
 Richland Twp.
 Noble Twp.
 Bartholomew County:
 Flat Rock Twp.
 Haw Creek Twp.
 Shelby County—All
 Fayette County:
 Orange Twp.
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.35.
2-1-15-63 Fifty-Eighth District
 Sec. 63. The Fifty-Eighth District, having one (1) member, consists of the following:
 Johnson County:
 Pleasant Twp.
 Clark Twp.
 Needham Twp.
 Franklin Twp.
 Blue River Twp.
 Nineveh Twp.
 Hensley Twp.
As added by Acts 1981, P.L.3, SEC.1.
2-1-15-64 Fifty-Ninth District
 Sec. 64. The Fifty-Ninth District, having one (1) member, consists of the following:
 Bartholomew County:
 German Twp.
 Nineveh Twp.
 Union Twp.
 Harrison Twp.
 Columbus Twp.
 Clay Twp.
 Clifty Twp.
 Ohio Twp.
 Sand Creek Twp.
 Rock Creek Twp.
As added by Acts 1981, P.L.3, SEC.1.
2-1-15-65 Sixtieth District
 Sec. 65. The Sixtieth District, having one (1) member, consists of the following:
 Brown County—All
 Monroe County:
 Benton Twp.
 Clear Creek Twp.
 Indian Creek Twp.
 Perry Precinct 13
 Perry Precinct 17
 Perry Precincts 3 & 4
 Perry Precincts 9 & 10
 Perry Precinct 12: only those portions that fall within Census Tracts 10, 11 & 302 but not that portion that falls within Census Tract 4.
 Polk Twp.
 Richland Twp.
 Saltcreek Twp.
 VanBuren Twp.
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.36.
2-1-15-66 Sixty-First District
 Sec. 66. The Sixty-First District, having one (1) member, consists of the following:
 Monroe County:
 Bloomington Precincts 5 & 14
 Bloomington Precincts 4 & 10

Bloomington Precincts 1, 2, 3, 13, & 18 2-1-15-68 Sixty-Third District
 Bloomington Precinct 16
 Bloomington Precinct 15
 Bloomington Precinct 9
 Bloomington Precinct 17
 Bloomington Precinct 19
 Bloomington Precinct 12
 Bloomington Precinct 11
 Bloomington Precincts 6, 7 & 8
 Perry Precinct 11
 Perry Precinct 12: only that portion that falls within Census Tract 4
 Perry Precinct 16
 Perry Precinct 2
 Perry Precinct 5
 Perry Precinct 6
 Perry Precincts 7 & 15
 Perry Precinct 8
 Perry Precincts 1 & 14
 Washington Twp.
 As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.37.

2-1-15-67 Sixty-Second District
 Sec. 67. The Sixty-Second District, having one (1) member, consists of the following:
 Greene County—All except Wright, Smith, and Jefferson Townships
 Daviess County:
 Elmore Twp.
 Madison Twp.
 Van Buren Twp.
 Bogard Twp.
 Steele Twp.
 Martin County:
 Micheltree Twp.
 Halbert Twp.
 Lost River Twp.
 Lawrence County:
 Spice Valley Twp.
 Orange County—All except Northeast Township
 As added by Acts 1981, P.L.3, SEC.1.

1-1-15-68 Sixty-Third District
 Sec. 68. The Sixty-Third District, having one (1) member, consists of the following:
 Martin County:
 Perry Twp.
 Center Twp.
 Rutherford Twp.
 Daviess County:
 Washington Twp.
 Barr Twp.
 Veale Twp.
 Harrison Twp.
 Reeve Twp.
 Dubois County:
 Boone Twp.
 Harbison Twp.
 Madison Twp.
 Cass Twp.
 Patoka Twp.
 Columbia Twp.
 Gibson County:
 Washington Twp.
 Pike County:
 Washington Twp.
 Jefferson Twp.
 Marion Twp.
 Lockhart Twp.
 Monroe Twp.
 Patoka Twp.
 Clay Twp.
 Madison Twp.
 Logan Twp.
 As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.38.

2-1-15-69 Sixty-Fourth District
 Sec. 69. The Sixty-Fourth District, having one (1) member, consists of the following:
 Knox County:
 Vincennes Twp.
 Decker Twp.
 Gibson County:
 White River Twp.
 Columbia Twp.
 Center Twp.

Patoka Twp.
 Montgomery Twp.
 Wabash Twp.
 Union Twp.
 Posey County:
 Bethel Twp.
 Smith Twp.
 As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.39.

2-1-15-70 Sixty-Fifth District
 Sec. 70. The Sixty-Fifth District, having one (1) member, consists of the following:
 Lawrence County—All except Spice Valley Township
 Orange County:
 Northeast Twp.
 Jackson County:
 Carr Twp.
 Washington County:
 Brown Twp.
 Jefferson Twp.
 Monroe Twp.
 Washington Twp.
 As added by Acts 1981, P.L.3, SEC.1.

2-1-15-71 Sixty-Sixth District
 Sec. 71. The Sixty-Sixth District, having one (1) member, consists of the following:
 Bartholomew County:
 Jackson Twp.
 Wayne Twp.
 Jackson County—All except Redding and Carr Townships
 Clark County:
 Bethlehem Twp.
 Owen Twp.
 Oregon Twp.
 Charlestown Twp.
 Union Twp.
 Washington Twp.
 Jennings County:
 Marion Twp.
 Scott County:
 Lexington Twp.

Johnson Twp.
 As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.40.

2-1-15-72 Sixty-Seventh District
 Sec. 72. The Sixty-Seventh District, having one (1) member, consists of the following:
 Jackson County:
 Redding Twp.
 Jennings County:
 Geneva Twp.
 Sand Creek Twp.
 Columbia Twp.
 Franklin County:
 Salt Creek Twp.
 Ray Twp.
 Decatur County—All
 Ripley County—All except Washington, Johnson, and Brown Townships
 As added by Acts 1981, P.L.3, SEC.1.

2-1-15-73 Sixty-Eighth District
 Sec. 73. The Sixty-Eighth District, having one (1) member, consists of the following:
 Franklin County:
 Metamora Twp.
 Brookville Twp.
 Springfield Twp.
 Whitewater Twp.
 Highland Twp.
 Butler Twp.
 Ripley County:
 Washington Twp.
 Switzerland County:
 Cotton Twp.
 Posey Twp.
 York Twp.
 Ohio County—All
 Dearborn County—All
 As added by Acts 1981, P.L.3, SEC.1.

2-1-15-74 Sixty-Ninth District
 Sec. 74. The Sixty-Ninth District, having one (1) member, consists of the following:
 Ripley County:

Johnson Twp.
 Brown Twp.
 Jennings County:
 Campbell Twp.
 Center Twp.
 Vernon Twp.
 Bigger Twp.
 Lovett Twp.
 Montgomery Twp.
 Spencer Twp.
 Switzerland County:
 Pleasant Twp.
 Jefferson Twp.
 Craig Twp.
 Jefferson County—All
As added by Act 1981, P.L.3, SEC.1.
2-1-15-75 Seventieth District
 Sec. 75. The Seventieth District, having one (1) member, consists of the following:
 Scott County:
 Vienna Twp.
 Clark County:
 Carr Twp.
 Monroe Twp.
 Silver Creek Twp.
 Wood Twp.
 Floyd County:
 Franklin Twp.
 Greenville Twp.
 New Albany Precinct 32
 Harrison County:
 Taylor Twp.
 Posey Twp.
 Boone Twp.
 Heth Twp.
 Washington Twp.
 Webster Twp.
 Harrison Twp.
 Jackson Twp.
 Franklin Twp.
 Spencer Twp.
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.41.

2-1-15-76 Seventy-First District
 Sec. 76. The Seventy-First District, having one (1) member, consists of the following:
 Clark County:
 Jeffersonville Precinct 3
 Jeffersonville Precincts 31, 33, 34 & 37
 Jeffersonville Precincts 9, 13 & 14
 Jeffersonville Precinct 39
 Jeffersonville Precinct 5
 Jeffersonville Precincts 35, 36 & 38
 Jeffersonville Precinct 23
 Jeffersonville Precincts 4, 6, 8 & 10
 Jeffersonville Precincts 20 & 21
 Jeffersonville Precinct 7
 Jeffersonville Precincts 26, 27 & 28
 Jeffersonville Precincts 11 & 12
 Jeffersonville Precincts 24 & 25
 Jeffersonville Precinct 22
 Utica Twp.
As added by Acts 1981, P.L.3, SEC.1.
2-1-15-77 Seventy-Second District
 Sec. 77. The Seventy-Second District, having one (1) member, consists of the following:
 Floyd County:
 Georgetown Twp.
 Lafayette Twp.
 New Albany Precinct 5
 New Albany Precincts 1, 4, 6, 7 & 8
 New Albany Precincts 19, 20 & 29
 New Albany Precinct 2
 New Albany Precinct 13
 New Albany Precincts 3 & 11
 New Albany Precincts 25 & 26
 New Albany Precinct 10
 New Albany Precinct 23
 New Albany Precinct 15
 New Albany Precinct 28
 New Albany Precinct 33
 New Albany Precinct 9
 New Albany Precincts 21 & 22
 New Albany Precinct 14
 New Albany Precinct 27
 New Albany Precinct 12
 New Albany Precinct 24

New Albany Precincts 16, 17 & 18
 New Albany Township 30 & 31
 Clark County:
 Jeffersonville Precincts 1 & 2
 Jeffersonville Precincts 30 & 32
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.42.
2-1-15-78 Seventy-Third District
 Sec. 78. The Seventy-Third District, having one (1) member, consists of the following:
 Harrison County:
 Morgan Twp.
 Blue River Twp.
 Crawford County—All
 Perry County—All except Troy Twp.
 Dubois County:
 Hall Twp.
 Jefferson Twp.
 Jackson Twp.
 Bainbridge Twp.
 Marion Twp.
 Scott County:
 Finley Twp.
 Jennings Twp.
 Washington County:
 Vernon Twp.
 Madison Twp.
 Howard Twp.
 Pierce Twp.
 Polk Twp.
 Franklin Twp.
 Gibson Twp.
 Jackson Twp.
 Posey Twp.
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.43.
2-1-15-79 Seventy-Fourth District
 Sec. 79. The Seventy-Fourth District, having one (1) member, consists of the following:
 Perry County:
 Troy Twp.
 Dubois County:
 Ferdinand Twp.
 Spencer County—All except Luce Township
 Warrick County:
 Hart Twp.
 Owen Twp.
 Pigeon Twp.
 Skelton Twp.
 Boon Twp.
 Lane Twp.
 Gibson County:
 Barton Twp.
 Johnson Twp.
As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.44.
3-1-15-80 Seventy-Fifth District
 Sec. 80. The Seventy-Fifth District, having two (2) members, consists of the following:
 Warrick County:
 Greer Twp.
 Campbell Twp.
 Ohio Twp.
 Anderson Twp.
 Spencer County:
 Luce Twp.
 Vanderburgh County:
 Armstrong Twp.
 Center Precincts 1, 3, 4 & 5
 Center Precinct 2
 Center Precinct 6
 Center Precinct 7
 Center Precinct 8
 Evansville Ward 1 Precinct 23
 Evansville Ward 1 Precinct 8
 Evansville Ward 1 Precinct 11
 Evansville Ward 1 Precinct 1
 Evansville Ward 1 Precincts 9A & 10
 Evansville Ward 1 Precincts 9B & 21
 Evansville Ward 1 Precincts 16, 17, 18A & 22
 Evansville Ward 1 Precincts 2, 3 & 7
 Evansville Ward 1 Precinct 15
 Evansville Ward 1 Precinct 18B
 Evansville Ward 1 Precinct 5
 Evansville Ward 2 Precinct 17
 Evansville Ward 2 Precincts 1, 2A & 2B

Evansville Ward 2 Precinct 8
 Evansville Ward 2 Precinct 6
 Evansville Ward 2 Precinct 9
 Evansville Ward 2 Precinct 7
 Evansville Ward 2 Precincts 10, 12, 13 & 14
 Evansville Ward 2 Precinct 21
 Evansville Ward 3 Precincts 14, 18 & 19
 Evansville Ward 3 Precinct 5
 Evansville Ward 3 Precincts 15, 10, 11, & 17
 Evansville Ward 3 Precinct 6
 Evansville Ward 3 Precincts 3, 8, 9, 12, 13 & 16
 Evansville Ward 3 Precinct 7
 Evansville Ward 5 Precincts 1, 11 & 22
 Evansville Ward 5 Precinct 2
 Evansville Ward 5 Precincts 16, 17 & 19
 Evansville Ward 5 Precincts 12, 16, 14 & 18
 German Twp.
 Knight Precinct K2
 Knight Precinct K3
 Scott Precinct S4
 Scott Twp.

As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.45.

2-1-15-81 Seventy-Sixth District

Sec. 81. The Seventy-Sixth District, having one (1) member, consists of the following:

Posey County—All except Bethel and Smith Townships

Vanderburgh County:

Center Precinct 9
 Evansville Ward 5 Precinct 15
 Evansville Ward 6 Precincts 16, 19, 20 & 17
 Evansville Ward 6 Precinct 4
 Evansville Ward 6 Precincts 1, 2 & 8
 Evansville Ward 6 Precinct 18
 Evansville Ward 6 Precinct 11
 Evansville Ward 6 Precinct 3
 Evansville Ward 6 Precinct 9
 Evansville Ward 6 Precinct 15
 Evansville Ward 6 Precinct 7
 Evansville Ward 6 Precinct 13
 Evansville Ward 6 Precincts 5 & 10
 Evansville Ward 6 Precincts 12, 21 & 22

Evansville Ward 6 Precinct 14
 Perry Twp.
 Pigeon Precinct A
 Pigeon Precinct B
 Union Twp.
 As added by Acts 1981, P.L.3, SEC.1.
2-1-15-82 Seventy-Seventh District
 Sec. 82. The Seventy-Seventh District, having one (1) member, consists of the following:
 Vanderburgh County:
 Evansville Ward 1 Precincts 4, 19 & 20
 Evansville Ward 2 Precinct 5
 Evansville Ward 2 Precincts 3, 4 & 15
 Evansville Ward 2 Precincts 16, 18, 19 & 22
 Evansville Ward 2 Precincts 11 & 20 & Ward 1 Precincts 6, 12, 13 & 14
 Evansville Ward 3 Precincts 2 & 20
 Evansville Ward 3 Precinct 1
 Evansville Ward 3 Precinct 4
 Evansville Ward 4 Precinct 2
 Evansville Ward 4 Precinct 10
 Evansville Ward 4 Precinct 4
 Evansville Ward 4 Precinct 5
 Evansville Ward 4 Precincts 1, 6, 8, 13, 14 & 15
 Evansville Ward 4 Precinct 3
 Evansville Ward 4 Precinct 7
 Evansville Ward 4 Precincts 11 & 16
 Evansville Ward 4 Precinct 12
 Evansville Ward 4 Precinct 9
 Evansville Ward 5 Precinct 20
 Evansville Ward 5 Precinct 10
 Evansville Ward 5 Precinct 3
 Evansville Ward 5 Precinct 8
 Evansville Ward 5 Precinct 4
 Evansville Ward 5 Precincts 6, 7, 9 & 21
 Evansville Ward 5 Precinct 5
 Evansville Ward 6 Precinct 6
 Knight Precinct K1
 Pigeon Precinct C
 As added by Acts 1981, P.L.3, SEC.1. Amended by Acts 1982, P.L.4, SEC.46.

**1981 Senate Plan,
As Amended in 1982
Ind. Code §2-1-2.2**

2-1-23-13 Eighth District
 2-1-23-14 Ninth District
 2-1-23-15 Tenth District
 2-1-23-16 Eleventh District
 2-1-23-17 Twelfth District
 2-1-23-18 Thirteenth District
 2-1-23-19 Fourteenth District
 2-1-23-20 Fifteenth District
 2-1-23-21 Sixteenth District
 2-1-23-22 Seventeenth District
 2-1-23-23 Eighteenth District
 2-1-23-24 Nineteenth District
 2-1-23-25 Twentieth District
 2-1-23-26 Twenty-First District
 2-1-23-27 Twenty-Second District
 2-1-23-28 Twenty-Third District
 2-1-23-29 Twenty-Fourth District
 2-1-23-30 Twenty-Fifth District
 2-1-23-31 Twenty-Sixth District
 2-1-23-32 Twenty-Seventh District
 2-1-23-33 Twenty-Eighth District
 2-1-23-34 Twenty-Ninth District
 2-1-23-35 Thirtieth District
 2-1-23-36 Thirty-First District
 2-1-23-37 Thirty-Second District
 2-1-23-38 Thirty-Third District
 2-1-23-39 Thirty-Fourth District
 2-1-23-40 Thirty-Fifth District
 2-1-23-41 Thirty-Sixth District
 2-1-23-42 Thirty-Seventh District
 2-1-23-43 Thirty-Eighth District
 2-1-23-44 Thirty-Nieth District
 2-1-23-45 Forty-First District
 2-1-23-46 Forty-Second District
 2-1-23-47 Forty-Third District
 2-1-23-48 Forty-Fourth District
 2-1-23-49 Forty-Fifth District
 2-1-23-50 Forty-Sixth District
 2-1-23-51 Forty-Seventh District
 2-1-23-52 Forty-Eighth District
 2-1-23-53 Forty-Ninth District
 2-1-23-54 Fiftieth District

**Chapter 2.2. Senatorial Districts:
1981 Plan.**

2-1-22-1 "County" and "township" defined; federal census and related documents incorporated by reference; precincts; descriptions and maps; establishment of new precincts
 2-1-22-2 Number of members and districts
 2-1-22-3 Senators elected in 1980; terms of office; districts represented
 2-1-22-4 Parts of state not included in described district or included in more than one district; disposition
 2-1-22-5 Application of chapter; declaration of unconstitutionality; effect
 2-1-22-6 First District
 2-1-22-7 Second District
 2-1-22-8 Third District
 2-1-22-9 Fourth District
 2-1-22-10 Fifth District
 2-1-22-11 Sixth District
 2-1-22-12 Seventh District

3-1-22-1 "County" and "township" defined; federal census and related documents incorporated by reference; precincts; descriptions and maps; establishment of new precincts

Sec. 1. (a) For the purposes of this chapter, the terms "county" and "township" or the common abbreviations thereof, have the same meanings and describe the same geographical boundaries as they do when used by the United States Department of Commerce, Bureau of the Census, in reporting the 1980 decennial census of the state of Indiana. In addition, the official

report and all official documents relating to the report of this census are incorporated by reference into this chapter.

(b) All other references made in the descriptions of senatorial districts in this chapter are to the precincts existing January 1, 1981, and depicted by descriptions and maps maintained by the state election board under IC 3-1-3-4. The state election board shall separately maintain and preserve those descriptions and maps of precincts existing on January 1, 1981, notwithstanding any subsequent changes in precinct boundaries. The state election board shall make the descriptions and maps referred to in this section available for public inspection during regular office hours.

(c) After August 31, 1981, existing precinct boundaries may be changed and new precincts may be established. However, no precinct may be divided by a senate district boundary. *As added by Acts 1981, P.L.4, SEC.1.*

2-1-2-2-2 Number of members and districts

Sec. 2. The senate of the Indiana general assembly consists of fifty (50) members. The senators shall be elected from fifty (50) senate districts as described in this chapter, with each district having one (1) senator. *As added by Acts 1981, P.L.4, SEC.1.*

2-1-2-2-3 Senators elected in 1980; terms of office; districts represented

Sec. 3. Each senator elected in the general election in 1980 for a full four (4) year term shall continue to hold office until the term for which he was elected has expired by limitation, and he shall represent the district established under this chapter in which his legal residence is located. *As added by Acts 1981, P.L.4, SEC.1.*

2-1-2-2-4 Parts of state not included in described district or included in more than one district; disposition

Sec. 4. (a) Any part of the state of Indiana which has not been described as included in one (1) of the districts described in this chapter is included within the district that:

(1) is contiguous to that part; and
(2) contains the least population of all districts contiguous to that part, according to the 1980 decennial census referred to in section 1 of this chapter.

(b) If any part of the state of Indiana is described in this chapter as being in more than one (1) district, it is included within the district that:

(1) is one of the districts in which that part is listed in this chapter;
(2) is contiguous to that part; and
(3) contains the least population, according to the 1980 decennial census referred to in section 1 of this chapter.

As added by Acts 1981, P.L.4, SEC.1.

2-1-2-2-5 Application of chapter; declaration of unconstitutionality; effect

Sec. 5. This chapter first applies to elections conducted in 1982, notwithstanding any other law. However, if this chapter is declared to be unconstitutional, IC 2-1-2-1 is applicable in place of this chapter. *As added by Acts 1981, P.L.4, SEC.1.*

2-1-2-2-6 First District

Sec. 6. The First District consists of the following:

Lake County:

East Chicago District 1 Precincts 1 through 9
East Chicago District 2 Precincts 1 through 9
East Chicago District 3 Precincts 1 through 9
East Chicago District 4 Precincts 1 through 10
East Chicago District 5 Precincts 1 through 9
East Chicago District 6 Precincts 1 through 9
Gary District 3 Precinct 13
Hammond District 1 Precincts 1 through 15
Hammond District 2 Precincts 1 through 16
Hammond District 3 Precincts 1 through 16

Hammond District 4 Precincts 4, 5, 11, 17, and 18
Hammond District 5 Precinct 5
Hammond District 6 Precincts 1 through 9
Whiting Precincts 1 through 10

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.1.

2-1-2-2-7 Second District

Sec. 7. The Second District consists of the following:

Lake County:

Dyer Precincts 1, 2, 4 & 5
Gary District 3 Precincts 2, 3
Gary District 6 Precinct 16
Griffith Precincts 1 through 6 and 8 through 13
Hammond District 4 Precincts 1 through 3, 6 through 10, and 12 through 16
Hammond District 5 Precincts 1 through 4 and 6 through 16
Hammond District 6 Precincts 10 through 15
Highland Precincts 1 through 19
Munster Precincts 1 through 20

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.4.

2-1-2-2-8 Third District

Sec. 8. The Third District consists of the following:

Lake County:

Gary District 1 Precincts 1 through 30
Gary District 2 Precincts 1 through 26
Gary District 3 Precincts 1, 5 through 12, and 14 through 23
Gary District 4 Precincts 1 through 25
Gary District 5 Precincts 1 and 8
Gary District 6 Precincts 4, 4A, 17, and 18
Hobart Township Precinct 5
Lake Station Precincts 2, 3, 3A, 3B, 4, 4A, 5, 5A, 7, 7A, and 7B

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.3.

2-1-2-2-9 Fourth District

Sec. 9. The Fourth District consists of the following:

Lake County:

Calumet Township Precincts 4 through 6, 10 through 12 and 14
Gary District 5 Precincts 2 through 7, and 9 through 24
Gary District 6 Precincts 1, 2, 5 through 15, and 19 through 28
Hobart City Districts 1 through 5
Hobart Township Precinct 8
Lake Station Precincts 1, 6, 8, 9, 10 and 11
Merrillville Precincts 1, 1A, 4 through 11, 14, 15, 17 through 19, 22, 22A, 23, 25, 25A, 26, and 26A
Ross Township Precincts 12 and 20

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.4.

2-1-2-2-10 Fifth District

Sec. 10. The Fifth District consists of the following:

Porter County:

Portage Twp.
Pine Twp.
Jackson Twp.
Liberty Twp.
Union Twp.
Center Twp.
Washington Twp.
Morgan Twp.
Pleasant Twp.
Westchester Twp.

As added by Acts 1981, P.L.4, SEC.1.

2-1-2-2-11 Sixth District

Sec. 11. The Sixth District consists of the following:

Lake County:
Cedar Lake Precincts 1 through 7
Center Township Precincts 1 through 4
Crown Point Precincts 1 through 11
Cedar Creek Precincts 1 through 5
Dyer Precincts 3 and 6

Eagle Creek 1
 Griffith Precinct 7
 Hanover 1 through 3
 Merrillville Precincts 2, 3, 16, 21, 24, and 27
 Ross Township Precinct 13
 Schererville Precincts 1 through 4, 4A, 5
 through 10, 10A, 11, 11A, and 12
 St. John Town Precincts 1, 1A & 2
 St. John Township Precincts 1 through 3,
 3A, and 4 through 6
 West Creek 1 through 3
 Winfield 1

Porter County:
 Porter Twp.
 Boone Twp.

Newton County:
 Lake Twp.
 Lincoln Twp.
 McClellan Twp.
 Colfax Twp.
 Beaver Twp.
 Jackson Twp.

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.5!

2-1-2-12 Seventh District

Sec. 12. The Seventh District consists of the following:

Newton County:
 Washington Twp.
 Iroquois Twp.
 Jefferson Twp.
 Grant Twp.

Benton County—All

Warren County:

Kent Twp.

Steuben Twp.

Pike Twp.

Jordan Twp.

Liberty Twp.

Prairie Twp.

Pine Twp.

Adams Twp.

Jasper County—All

Pulaski County—All

Starke County:
 Jackson Twp.
 Center Twp.
 Washington Twp.
 Railroad Twp.
 Wayne Twp.
 California Twp.
 North Bend Twp.

Tippecanoe County:
 Shelby Twp.

White County:
 Monon Twp.
 Liberty Twp.
 Cass Twp.
 Princeton Twp.
 Honey Creek Twp.
 Union Twp.
 Lincoln Twp.
 West Point Twp.
 Big Creek Twp.
 Round Grove Twp.
 Prairie Twp.

Carroll County:
 Jefferson Twp.
 Adams Twp.
 Tippecanoe Twp.

As added by Acts 1981, P.L.4, SEC.1.

2-1-2-13 Eighth District

Sec. 13. The Eighth District consists of the following:

LaPorte County:
 Michigan Twp.
 Springfield Twp.
 Galena Twp.
 Cool Spring Twp.
 Center Twp.
 Kankakee Twp.
 New Durham Twp.
 Scipio Twp.
 Pleasant Twp.
 Clinton Twp.
 Noble Twp.

Washington Twp.
 Union Twp.

Hanna Twp.
 Cass Twp.
 Dewey Twp.
 Prairie Twp.

Starke County:
 Davis Twp.
 Oregon Twp.

As added by Acts 1981, P.L.4, SEC.1.

2-1-2-14 Ninth District

Sec. 14. The Ninth District consists of the following:

LaPorte County:
 Hudson Twp.
 Wills Twp.
 Lincoln Twp.
 Johnson Twp.

St. Joseph County:
 Center Precincts 1 through 9
 German Precincts 2 through 4
 Greene Precincts 1 and 2
 Liberty 1 through 3
 Lincoln 1 through 3
 Olive 1 through 3
 Mishawaka Election District 1 Precinct 8
 Mishawaka Election District 2 Precinct 7
 Madison 1 & 2

Penn Precincts 3, 8, 9, and 14
 Portage Precincts 2, 4, and 6
 South Bend Election District 1, Precinct 3
 South Bend Election District 5 Precincts 10,
 13, 14, 16 through 26
 Union 1 & 2

Warren Precincts 1 through 4

Marshall County—All

Kosciusko County:

Scott Twp.
 Jefferson Twp.
 Etna Twp.
 Prairie Twp.
 Harrison Twp.
 Franklin Twp.
 Seward Twp.

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.6.

2-1-2-15 Tenth District

Sec. 15. The Tenth District consists of the following:

St. Joseph County:
 Clay Precinct 2
 Mishawaka Election District 1 Precincts 1
 through 5 and 7
 Mishawaka Election District 2 Precincts 1
 through 6
 Mishawaka Election District 3 Precinct 7
 Mishawaka Election District 4 Precincts 1,
 2, and 7

Penn Precinct 13
 Portage Precincts 3 and 5
 South Bend Election District 1 Precincts 1,
 2, 4 through 11, and 13 through 19
 South Bend Election District 2 Precincts 1
 through 16, 16A, and 17 through 21
 South Bend Election District 3 Precincts 2
 through 19
 South Bend Election District 4 Precincts 3
 through 5, 7 through 9, 11 through 22,
 and 25
 South Bend Election District 5 Precincts 5
 through 9, 11, 12, and 15
 South Bend Election District 6 Precincts 5
 through 25

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.7.

2-1-2-16 Eleventh District

Sec. 16. The Eleventh District consists of the following:

Elkhart County:
 Cleveland Precincts 79 through 81
 Concord Precinct 41
 Osolo Precincts 29, 38 through 40, and 63
 through 67

St. Joseph County:
 Clay Precincts 1 and 3 through 19
 German Precinct 1
 Harris Precincts 1 through 3
 Mishawaka Election District 3 Precincts 1
 through 4, 4A, 5, 6, and 8
 Mishawaka Election District 4 Precincts 3
 through 6 and 8

Mishawaka Election District 5 Precincts 2 through 8
 Mishawaka Election District 6 Precincts 1 and 3 through 8
 Penn Precincts 1, 2, 4 through 7, and 10 through 12
 South Bend Election District 1 Precincts 12 and 12A
 South Bend Election District 4 Precincts 6, 10, 23, and 24
 Portage Precincts 1 & 1A
As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.8.

2-1-2-17 Twelfth District
 Sec. 17. The Twelfth District consists of the following:

Elkhart County:
 Washington Twp.
 York Twp.
 Concord Twp., except Precinct 41

Jefferson Twp.
 Middlebury Twp.
 Olive Twp.
 Harrison Twp.
 Elkhart Twp.
 Clinton Twp.
 Locke Twp.
 Union Twp.
 Jackson Twp.
 Benton Twp.
 Baugo Twp.

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.9.

2-1-2-18 Thirteenth District

Sec. 18. The Thirteenth District consists of the following:

LaGrange County—All
 Noble County:
 Jefferson Twp.
 Perry Twp.
 Elkhart Twp.
 Orange Twp.
 Wayne Twp.
 Sparta Twp.

York Twp.
 Albion Twp.
 Allen Twp.
 Washington Twp.
 Noble Twp.
 Green Twp.
 DeKalb County:
 Fairfield Twp.
 Richland Twp.
 Keyser Twp.
 Butler Twp.
 Kosciusko County:
 Van Buren Twp.
 Turkey Creek Twp.
 Plain Twp.
 Tippecanoe Twp.
 Wayne Twp.
As added by Acts 1981, P.L.4, SEC.1.
2-1-2-19 Fourteenth District
 Sec. 19. The Fourteenth District consists of the following:
 Steuben County—All
 DeKalb County:
 Smithfield Twp.
 Franklin Twp.
 Troy Twp.
 Grant Twp.
 Wilmington Twp.
 Stafford Twp.
 Union Twp.
 Jackson Twp.
 Concord Twp.
 Spencer Twp.
 Newville Twp.
 Allen County:
 Adams A through G
 Adams 256
 Cedar Creek A through C
 Fort Wayne 108, 111, 112, 160, 161, 162, 251, 252, and 255
 Jackson
 Jefferson
 Madison
 Marion A & B

Maumee & Maumee Woodburn
 Milan
 Monroe
 New Haven 1 through 4
 Perry A through E
 Scipio
 Springfield
 St. Joe 280 through 282 and 285
As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.10.

2-1-2-20 Fifteenth District

Sec. 20. The Fifteenth District consists of the following:

Allen County:
 Fort Wayne 101, 102, 104 through 107, 109, 110, 151, 154 through 158, 201 through 207, 209, 210, 250, 253, 254, 301 through 303, 350 through 353, 359, 404, 505, 506, 601, 602, 606, and 608
 St. Joe A, B-1, B-2, C, D, E-1, E-2, F, G, H-1, H-2, J-1, J-2, K-1, K-2, L, M, N, O-1, O-2, P, Q, R-1, and R-2
 St. Joe 208, 211 through 214, 257 through 259, 263, 264, 309, and 310
 Washington A through G
 Washington 304 through 308, 311, and 360 through 362

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.11.

2-1-2-21 Sixteenth District

Sec. 21. The Sixteenth District consists of the following:

Allen County:
 Aboite A through H
 Adams H, J, and K
 Adams 610 through 612 and 656 through 662
 Fort Wayne 150, 152, 153, 354 through 358, 402, 403, 405, 407 through 414, 450 through 460, 501 through 504, 507 through 510, 512, 513, 550 through 560, 603 through 605, 607, 609, and 650 through 655
 Pleasant A and B

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.12.

2-1-2-22 Seventeenth District

Sec. 22. The Seventeenth District consists of the following:

Noble County:
 Swan Twp.
 Whitley County—All
 Kosciusko County:

Clay Twp.
 Monroe Twp.
 Washington Twp.
 Lake Twp.
 Jackson Twp.
 Wabash County—All
 Huntington County:

Warren Twp.
 Clear Creek Twp.
 Andrews Twp.
 Huntington Twp.
 Jackson Twp.
 Allen County:
 Eel River Twp.
 Lake Twp.
 Lafayette Twp.

As added by Acts 1981, P.L.4, SEC.1.

2-1-2-23 Eighteenth District

Sec. 23. The Eighteenth District consists of the following:

Fulton County—All
 Miami County—All
 Cass County—All
 White County:
 Jackson Twp.
 Carroll County:
 Rock Creek Twp.
 Liberty Twp.
 Washington Twp.
 Deer Creek Twp.
 Jackson Twp.

As added by Acts 1981, P.L.4, SEC.1.

2-1-2-24 Nineteenth District
 Sec. 24. The Nineteenth District consists of the following:
 Adams County—All
 Wells County—All
 Jay County:
 Penn Twp.
 Jackson Twp.
 Bear Creek Twp.
 Wabash Twp.
 Noble Twp.
 Wayne Twp.
 Greene Twp.
 Knox Twp.
 Richland Twp.
 Huntington County:
 Union Twp.
 Rock Creek Twp.
 Lancaster Twp.
 Polk Twp.
 Wayne Twp.
 Jefferson Twp.
 Salomonie Twp.
 Blackford County—All
 Delaware County:
 Washington Twp.
 Union Twp.
 Niles Twp.
 Grant County:
 Van Buren Twp.
As added by Acts 1981, P.L.4, SEC.1.

2-1-2-25 Twentieth District
 Sec. 25. The Twentieth District consists of the following:
 Madison County:
 Duck Creek Twp.
 Boone Twp.
 Van Buren Twp.
 Pipe Creek Twp.
 Monroe Twp.
 Grant County:
 Richland Twp.
 Pleasant Twp.
 Washington Twp.
As added by Acts 1981, P.L.4, SEC.1.

Sims Twp.
 Franklin Twp.
 Center Twp.
 Monroe Twp.
 Mill Twp.
 Green Twp.
 Liberty Twp.
 Fairmount Twp.
 Jefferson Twp.
 Howard County:
 Union Twp.
As added by Acts 1981, P.L.4, SEC.1.

2-1-2-26 Twenty-First District
 Sec. 26. The Twenty-First District consists of the following:
 Howard County:
 Clay Twp.
 Howard Twp.
 Liberty Twp.
 Jackson Twp.
 Ervin Twp.
 Taylor Twp.
 Harrison Twp.
 Center Twp.
 Tipton County—All
 Hamilton County:
 Jackson Twp.
 White River Twp.
 Wayne Twp.
As added by Acts 1981, P.L.4, SEC.1.

2-1-2-27 Twenty-Second District

Sec. 27. The Twenty-Second District consists of the following:
 Tippecanoe County:
 Wabash Twp.
 Tippecanoe Twp.
 Fairfield Twp.
 Union Twp.
 Wea Twp.
As added by Acts 1981, P.L.4, SEC.1.

2-1-2-28 Twenty-Third District

Sec. 28. The Twenty-Third District consists of the following:

Montgomery County—All except Scott, Clark and Walnut Twp.
 Clinton County—All
 Howard County:
 Monroe Twp.
 Honey Creek Twp.
 Carroll County:
 Madison Twp.
 Monroe Twp.
 Carrollton Twp.
 Burlington Twp.
 Democrat Twp.
 Clay Twp.
 Tippecanoe County:
 Washington Twp.
 Perry Twp.
 Sheffield Twp.
 Lauramie Twp.
 Randolph Twp.
 Jackson Twp.
 Wayne Twp.
 Fountain County—All
 Vermillion County:
 Highland Twp.
 Eugene Twp.
 Warren County:
 Washington Twp.
 Mound Twp.
 Warren Twp.
 Medina Twp.
As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1981, P.L.18, SEC.2.

2-1-2-29 Twenty-Fourth District

Sec. 29. The Twenty-Fourth District consists of the following:
 Hamilton County:
 Adams Twp.
 Washington Twp.
 Noblesville Twp.
 Boone County:
 Washington Twp.
 Clinton Twp.
 Marion Twp.
 Center Twp.
As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.13.

2-1-2-30 Twenty-Fifth District

Sec. 30. The Twenty-Fifth District consists of the following:
 Delaware County:
 Hamilton Twp.
 Harrison Twp.
 Center Twp. Precinct 47
 Mt. Pleasant Twp. Precinct 55, 71, & 74
 Madison County:
 Jackson Twp.
 Lafayette Twp.
 Richland Twp.
 Stony Creek Twp.
 Anderson Twp.
 Union Twp.
As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1981, P.L.18, SEC.2.

2-1-2-31 Twenty-Sixth District
 Sec. 31. The Twenty-Sixth District consists of the following:

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Henry County:
 Fall Creek Twp.
 Jefferson Twp.
 Delaware County:
 Mt. Pleasant Twp. Precinct 53, 54, & 72
 Salem Twp.

Monroe Twp.
 Perry Twp.
 Center Twp., except precinct 47
 Liberty Twp.
 Delaware Twp.

As added by Acts 1981, P.L.4, SEC.1.

2-1-2-32 Twenty-Seventh District
 Sec. 32. The Twenty-Seventh District consists of the following:

Randolph County—All

Jay County:

Jefferson Twp.

Pike Twp.

Madison Twp.

Wayne County—All

As added by Acts 1981, P.L.4, SEC.1.

2-1-2-33 Twenty-Eighth District

Sec. 33. The Twenty-Eighth District consists of the following:

Hancock County—All

Madison County:

Green Twp.

Fall Creek Twp.

Adams Twp.

Henry County:

Prairie Twp.

Stony Creek Twp.

Blue River Twp.

Harrison Twp.

Henry Twp.

Liberty Twp.

Greensboro Twp.

Wayne Twp.

Spiceland Twp.

Franklin Twp.

Dudley Twp.

As added by Acts 1981, P.L.4, SEC.1.

2-1-2-34 Twenty-Ninth District

Sec. 34. The Twenty-Ninth District consists of the following:

Boone County:
 Eagle Township
 Perry Township
 Union Township
 Worth Township

Hamilton County:

Clay Township

Marion County:

Pike Precincts 1 through 8, 11, 14 through 16, and 20 through 22

Pike Ward 32 Precincts 1 through 5

Washington Precincts 2, 7, 12, 13, 22, 26, 29, 33, 34, 43, 46, 53, 63, 67 through 69, 73, and 74

Washington Ward 21 Precincts 11, 12, and 19

Wayne Precincts 2, 17, 19, 31, 46, and 50

Wayne Ward 29 Precincts 5 through 12, 14,

16, 19, 21, 22, 24, 25, 29, and 30

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.14.

2-1-2-35 Thirtieth District

Sec. 35. The Thirtieth District consists of the following:

Marion County:

Pike Precincts 9, 10, 12, 13, and 17 through 19

Washington Precincts 1, 3 through 6, 8 through 11, 14 through 21, 23 through 25, 27, 28, 30 through 32, 35 through 42, 44, 45, 47 through 52, 54 through 62, 64 through 66, 70 through 72, and 75 through 77

Washington Ward 20 Precincts 1 through 10, 12, and 13

Washington Ward 21 Precincts 1 through 10, 13 through 18, and 20 through 23

Washington Ward 22 Precincts 1 through 4, and 6 through 14

Washington Ward 31 Precincts 1 through 3, 6, 8, and 9

Wayne Ward 29 Precinct 23

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.15.

3-1-2-36 Thirty-First District

Sec. 36. The Thirty-First District consists of the following:

Hamilton County:

Fall Creek East & West

North Delaware

South Delaware

Marion County:

Lawrence Precincts 1 through 44

Lawrence Ward 27 Precincts 1 through 21 and 23 through 27

Warren Precincts 7, 11, 31, 33, 37, and 45

Warren Ward 28 Precincts 1, 2, 4 through 9, 11 through 17, 19, 21 through 23, and 25

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.16.

3-1-2-37 Thirty-Second District

Sec. 37. The Thirty-Second District consists of the following:

Johnson County:

Clark 1

Needham 1

Marion County:

Center Outside Precincts 1 through 4

Center Ward 9 Precincts 7 through 9 and 14

Center Ward 25 Precincts 3, 4, 6, 8 through 12, and 14

Center Ward 30 Precinct 9

Franklin Twp.

Perry Precincts 1, 2, 12, 16, 23 through 25, 31, 32, 38, 42, 50, 53

Warren Precincts 1 through 6, 8 through 10, 12 through 30, 32, 34 through 36, 38 through 44, 46, and 48 through 51

Warren Ward 18 Precincts 1 through 15

Warren Ward 28 Precincts 3, 18, 20, 26, 28, and 29

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.17.

3-1-2-38 Thirty-Third District

Sec. 38. The Thirty-Third District consists of the following:

Marion County:

Center Ward 2 Precincts 1 and 5

Center Ward 3 Precincts 3 through 7

Center Ward 4 Precinct 8

Center Ward 5 Precincts 1 and 6

Center Ward 6 Precincts 2 through 7 and 9

Center Ward 7 Precincts 1 through 3 and 5

Center Ward 8 Precincts 1 through 5

Center Ward 10 Precincts 1 through 3 and 5

Center Ward 11 Precincts 1 and 3 through 5

Center Ward 12 Precincts 1 through 4, 6, and 7

Center Ward 13 Precincts 2 through 5, 7, and 11 through 13

Center Ward 14 Precincts 1 through 6

Center Ward 15 Precincts 1 and 2

Center Ward 16 Precincts 1, 2, 4, 5, 7, 8, 10, 11

Center Ward 17 Precincts 1, 2, and 4

Center Ward 23 Precinct 5

Wayne Precincts 5, 15, 25, 37, and 66

Wayne Ward 19 Precincts 1 through 12

Wayne Ward 24 Precincts 1 through 7

Wayne Ward 29 Precincts 1 through 4, 15, 17, 26, and 27

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.18.

2-1-2-39 Thirty-Fourth District

Sec. 39. The Thirty-Fourth District consists of the following:

Marion County:

Center Ward 1 Precincts 1 through 7, 9, 10, 12, and 13

Center Ward 2 Precincts 2 through 4 and 6 through 11

Center Ward 3 Precincts 1 and 2

Center Ward 4 Precincts 1 through 7

Center Ward 5 Precincts 2 through 5 and 7

Center Ward 6 Precincts 1, 8, and 10

Center Ward 7 Precinct 4

Center Ward 9 Precincts 1 through 6, 10 through 13, and 15 through 17

Center Ward 10 Precincts 4 and 6 through 10

Center Ward 16 Precincts 3 and 6

Center Ward 17 Precincts 3 and 6 through 9
 Center Ward 23 Precincts 1 through 4 and 6
 through 10

Center Ward 25 Precincts 1, 2, 5, 7, and 13
 Warren Ward 28 Precinct 10 & 24

Washington Ward 20 Precinct 11

Washington Ward 31 Precinct 4, 5, & 7
As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.19.

2-1-2-40 Thirty-Fifth District

Sec. 40. The Thirty-Fifth District consists of the following:

Hendricks County:

Guilford Township—

Marion County:

Decatur Twp.

Wayne Precincts 1, 3, 4, 6 through 14, 16, 18, 20 through 24, 26 through 30, 32 through 36, 38 through 45, 47 through 49, 51 through 65, and 67 through 73

Wayne Ward 29 Precincts 13, 18, 20, and 28

Morgan County:

Brown Township

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.20.

2-1-2-41 Thirty-Sixth District

Sec. 41. The Thirty-Sixth District consists of the following:

Johnson County:

Pleasant Precincts 1 through 14

White River 5

Marion County:

Center Ward 13 Precincts 1, 6, and 8 through 10

Center Ward 17 Precincts 5 and 10

Center Ward 26 Precinct 1

Center Ward 30 Precincts 1, 2, 4 through 8, and 10 through 12

Perry Precincts 3 through 11, 13 through 15, 17 through 22, 26 through 30, 33 through 37, 39 through 41, 43 through 49, 51, 52, and 54 through 58

Perry Ward 26 Precincts 2 through 6

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.21.

2-1-2-42 Thirty-Seventh District

Sec. 42. The Thirty-Seventh District consists of the following:

Hendricks County:

Clay Twp.

Liberty Twp.

Franklin Twp.

Morgan County:

Adams Twp.

Monroe Twp.

Gregg Twp.

Clay Twp.

Madison Twp.

Harrison Twp.

Greene Twp.

Jackson Twp.

Washington Twp.

Jefferson Twp.

Baker Twp.

Ray Twp.

Ashland Twp.

Putnam County:

Marion Twp.

Jefferson Twp.

Cloverdale Twp.

Washington Twp.

Clay County—All

Owen County—

Greene County:

Wright Twp.

Smith Twp.

Jefferson Twp.

Highland Twp.

Richland Twp.

Fairplay Twp.

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.22.

2-1-2-43 Thirty-Eighth District

Sec. 43. The Thirty-Eighth District consists of the following:

Vermillion County:

Helt Twp.

Clinton Twp.

Vermillion Twp.

Vigo County:

Fayette A through D

Harrison 1A, 1C, 1D, 1E, 2E, 3C, 3F, 3I, 3J, 3K, 4G, 5A, 5F, 5G, 5H, 6A, 6C, 6D, 6E, 6F, 8A, 8B, 8C, 8E, and 8F

Lost Creek A through E

Harrison 8G

Nevins Twp.

Otter Creek A through F

Pierson A & B

Prairie Creek

Prairieton A

Riley A & B

Sugar Creek A through G

Parke County:

Liberty Twp.

Sugar Creek Twp.

Howard Twp.

Reserve Twp.

Penn Twp.

Washington Twp.

Green Twp.

Union Twp.

Adams Twp.

Wabash Twp.

Florida Twp.

Raccoon Twp.

Jackson Twp.

Putnam County:

Russell Twp.

Clinton Twp.

Monroe Twp.

Greencastle Twp.

Madison Twp.

Warren Twp.

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.23.

2-1-2-44 Thirty-Ninth District

Sec. 44. The Thirty-Ninth District consists of the following:

Vigo County:

Harrison 1B, 1F, 1G, 1H, 2A, 2B, 2C, 2D, 2F,

2G, 2H, 2I, 2J, 3A, 3B, 3E, 3G, 3H, 4A, 4B,

4C, 4D, 4E, 4F, 5B, 5C, 5D, 5E, 6B, 7A,

7B, 7C, 7D, 7E, 7F, 7G, 7H, 7I, 7J, 7K, 7L, and 8D

Honey Creek A through F

Linton A & B

Knox County:

Basseron Twp.

Widner Twp.

Washington Twp.

Steen Twp.

Palmyra Twp.

Harrison Twp.

Johnson Twp.

Vincennes Twp.

Decker Twp.

Gibson County:

White River Twp.

Washington Twp.

Sullivan County—All

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1981, P.L.18, SEC.4; Acts 1982, P.L.5, SEC.24.

2-1-2-45 Fortieth District

Sec. 45. The Fortieth District consists of the following:

Brown County—All

Monroe County:

Bean Blossom Twp.

Washington Twp.

Richland Twp.

Bloomington Twp.

Benton Twp.

Van Buren Twp.

Perry Twp.

Salt Creek Twp.

Greene County:

Beech Creek Twp.

Center Twp.

Jackson Twp.

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.25.

2-1-2-46 Forty-First District

Sec. 46. The Forty-First District consists of the following:

Bartholomew County—All
 Johnson County:
 Blue River 1 & 2 & 3
 Franklin 1 through 7
 Hensley 1
 Needham Precinct 2
 Nineveh 1
 Union 1
 White River 1 through 4 and 6
As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.26.

2-1-2-3-47 Forty-Second District
 Sec. 47. The Forty-Second District consists of the following:

Shelby County—All
 Rush County—All
 Decatur County—All
 Franklin County:
 Ray Twp.
 Fayette County:
 Orange Twp.
 Fairview Twp.
 Posey Twp.
 Harrison Twp.
 Waterloo Twp.
 Jennings Twp.
 Connorsville Twp.

As added by Acts 1981, P.L.4, SEC.1.

2-1-2-3-48 Forty-Third District

Sec. 48. The Forty-Third District consists of the following:

Union County—All
 Dearborn County—All
 Ohio County—All
 Ripley County—All
 Fayette County:
 Jackson Twp.
 Columbia Twp.
 Franklin County:
 Posey Twp.
 Laurel Twp.

Blooming Grove Twp.
 Fairfield Twp.
 Bath Twp.
 Salt Creek Twp.
 Metamora Twp.
 Butler Twp.
 Brookville Twp.
 Springfield Twp.
 Highland Twp.
 Whitewater Twp.

Jefferson County:
 Monroe Twp.
 Shelby Twp.

Jennings County:
 Columbia Twp.
 Sand Creek Twp.
 Center Twp.
 Campbell Twp.
 Montgomery Twp.
 Vernon Twp.
 Bigger Twp.
 Lovett Twp.

Switzerland County:
 Pleasant Twp.
 Cotton Twp.
 Posey Twp.

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.27.

2-1-2-3-49 Forty-Fourth District

Sec. 49. The Forty-Fourth District consists of the following:

Lawrence County—All
 Jackson County—All
 Orange County—All

Monroe County:
 Indian Creek Twp.
 Clear Creek Twp.
 Polk Twp.

Martin County:
 Halbert Twp.
 Mitcheltree Twp.

Jennings County:
 Geneva Twp.
 Marion Twp.
 Spencer Twp.
 Jackson County—All

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.28.

2-1-2-3-50 Forty-Fifth District

Sec. 50. The Forty-Fifth District consists of the following:

Switzerland County:
 York Twp.
 Jefferson Twp.
 Craig Twp.

Jefferson County:
 Graham Twp.
 Milton Twp.
 Madison Twp.
 Lancaster Twp.
 Smyrna Twp.
 Republican Twp.
 Hanover Twp.
 Saluda Twp.
 Scott County—All

Clark County:
 Bethlehem
 Carr
 Charlestown Precincts 1 through 7
 Jeffersonville Precincts 20 & 21 & 22
 Monroe 1 & 2 & 3
 Oregon 1 & 2
 Owen
 Silver Creek Precincts 1 through 5
 Utica 1 & 2
 Union
 Washington 1 & 2
 Wood 1 & 2 & 3

Washington County:
 Brown Twp.
 Jefferson Twp.

Monroe Twp.
 Gibson Twp.
 Franklin Twp.
 Washington Twp.
 Vernon Twp.
 Howard Twp.
 Pierce Twp.
 Polk Twp.
 Jackson Twp.

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.29.

3-1-2-3-51 Forty-Sixth District

Sec. 51. The Forty-Sixth District consists of the following:

Floyd County—All

Clark County:
 Jeffersonville Precincts 1 through 14, 23 through 28, and 30 through 39

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.30.

3-1-2-3-52 Forty-Seventh District

Sec. 52. The Forty-Seventh District consists of the following:

Spencer County—All
 Perry County—All
 Crawford County—All
 Harrison County—All

Warrick County:
 Lane Twp.
 Owen Twp.
 Pigeon Twp.
 Boon Twp.
 Skelton Twp.

Dubois County:
 Columbia Twp.
 Marion Twp.
 Hall Twp.
 Patoka Twp.

Jackson Twp.
 Jefferson Twp.
 Cass Twp.
 Ferdinand Twp.
 Washington County:
 Madison Twp.
 Posey Twp.
 Martin County:
 Lost River Twp.

As added by Acts 1981, P.L.4, SEC.1.

2-1-2-2-53 Forty-Eighth District
 Sec. 53. The Forty-Eighth District consists of the following:

Greene County:
 Stockton Twp.
 Grant Twp.
 Taylor Twp.
 Cass Twp.
 Washington Twp.
 Stafford Twp.

Daviess County—All

Martin County:
 Perry Twp.
 Center Twp.
 Rutherford Twp.

Dubois County:
 Harbison Twp.
 Boone Twp.
 Madison Twp.
 Bainbridge Twp.

Pike County—All

Gibson County:
 Patoka Twp.
 Center Twp.
 Columbia Twp.
 Union Twp.
 Barton Twp.
 Johnson Twp.

Knox County:
 Vigo Twp.

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1981, P.L.18, SEC.5.

2-1-2-2-54 Forty-Ninth District

Sec. 54. The Forty-Ninth District consists of the following:

Posey County—All
 Gibson County:
 Wahash Twp.
 Montgomery Twp.

Vanderburgh County:

Armstrong 1
 Center Precincts 8 and 9
 Evansville Ward 2 Precincts 13, 14, and 17
 Evansville Ward 3 Precincts 1 through 3, 8,
 9, 12, 13, and 16
 Evansville Ward 4 Precincts 1 through 15
 Evansville Ward 5 Precincts 3 through 5, 8,
 10, and 20
 Evansville Ward 6 Precincts 1 through 22
 German 1 through 6
 Knight Precinct K1
 Perry Precincts 1 through 7
 Pigeon Precincts A through C
 Union

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.31.

2-1-2-2-55 Fiftieth District

Sec. 55. The Fiftieth District consists of the following:

Warrick County:
 Greer Twp.
 Hart Twp.
 Campbell Twp.
 Ohio Twp.
 Anderson Twp.

Vanderburgh County:

Center Precincts 1 through 7
 Evansville Ward 1 Precincts 1 through 8,
 9A, 9B, 10 through 17, 18A, 18B, and 19
 through 23

Evansville Ward 2 Precincts 1, 2A, 2B, 3
 through 12, 15, 16, 18, 19, and 20 through
 22

Evansville Ward 3 Precincts 4 through 7,
 10, 11, 14, 15, and 17

Evansville Ward 5 Precincts 1, 2, 6, 7, 9, 11
 through 19, 21, and 22

Knight Precinct K2 and K3
 Scott 1 through 3 and S-4

As added by Acts 1981, P.L.4, SEC.1. Amended by Acts 1982, P.L.5, SEC.32.

APPENDIX F

**PLAINTIFFS' EXHIBIT 39
DEFENDANTS' EXHIBIT HH
EXCERPTS FROM DEFENDANTS' EXHIBIT 1**

SENATE RANKING BASED ON 2 RACE AVERAGE (50.15% Democratic)

1. MOSBY (3)	92.4%
2. CARSON (34)	81.1%
3. MRVAN (1)	80.4% ✓
4. MAHERN (33)	74.5%
5. BUSHEMI (4)	68.6% ✓
6. HUNT (10)	65.5%
7. BAIRD (46)	60.9% ✓
8. MONK (36)	60.5% ✓
9. O'DAY (49)	59.9% ✓
10. O'BANNON (47)	58.9% ✓
11. LEWIS (45)	57.9% ✓
12. CRAYCRAFT (26)	56.9% ✓
13. HUME (48)	56.3% ✓
14. Potesta (2)	54.7%
15. Nugent (43)	53.7% ✓
16. McCARTY (25)	53.4% ✓
17. Dunbar (38)	53.3% ✓
18. NEARY (8)	52.2%
19. TOWNSEND (19)	50.3% ✓
20. Corcoran (44)	50.3%

----- 20 seats were carried by better than 50.15% statewide average

21. Hession (42)	49.3%
22. Niemeyer (6)	48.3% ✓
23. Server (50)	48.2%
24. Butcher (21)	48.0% ✓
25. Duckworth (40)	47.8% To carry half the seats requires 2.2% better than 50.15%
26. Jessup (20)	47.7% or about 52.35% of the vote statewide assuming the
27. NICHOLSON (27)	47.4% ✓ additional vote is distributed equally statewide.
28. Costas (5)	47.0%
29. Pease (37)	46.4%
30. Guy (7)	46.0%
31. Rogers (28)	45.3%
32. Miller (9)	44.7%
33. Zakas (11)	44.6% ✓
34. Justice (18)	44.4%
35. Snowden (17)	44.1% ✓
36. Garton (41)	43.9% ✓
37. GERY (22)	43.8% ✓
38. Harrison (23)	42.4% ✓
39. Sinks (16)	41.6%
40. Blankenbaker (30)	41.6%
41. MacDonald (15)	40.8% ✓
42. Vobach (31)	39.8% ✓
43. Norman (14)	39.2% ✓
44. Mills (35)	39.0%
45. Bosma (32)	38.8%
46. Augsburger (13)	38.6%
47. Borst (36)	38.6%
48. Shank (12)	37.0%
49. Parent (24)	32.8%
50. Duvall (29)	26.8% ✓

✓ = ELECTED IN 1982
(PER EXHIBIT 33)



TABLE IV

RANKING BASED ON STATE AUDITOR'S RACE (51.1% Democratic)	
Single-Member Districts	Double-Member Districts
BROWN, ROGERS (14)	92.2%
2. " "	"
3. KATIC, HARRIS (12)	84.2%
4. " "	"
5. CRAWFORD, SUMMERS, DAY (51)	83.9%
6. " " "	"
7. GOODALL (34)	67.7%
8. HAYS (77)	67.6%
9. KROMIANSKI, BAER (7)	66.2%
10. " "	"
11. HRIC, PETERSEN (11)	66.2%
12. " "	"
13. CAMPBELL (37)	64.9%
14. ROACH (45)	63.9%
15. HEIKE (73)	63.0%
16. Watchen (71)	61.8%
17. COCHRAN (72)	61.4%
18. DOBIS (15)	61.2%
19. HELLMAN (43)	61.2%
20. ROBERTSON (70)	60.8%
21. PHILLIPS (74)	60.2%
22. BARON HILL (66)	60.0%
23. LUTT (76)	59.2%
24. CLINGAN (42)	57.5%
25. SNIDER (64)	57.4%
26. BISCHOFF (68)	56.3%
27. HIPE (63)	55.1%
28. Kiely (36)	54.6%
29. SCHUCK (36)	54.0%
30. UNDERWOOD (55)	53.8%
31. COOK (17)	53.6%
32. BONSER, Budak (9)	53.6%
33. " "	"
34. PRICE (5)	53.2%
35. MARSHALL (69)	53.2%
36. TIMCHER (46)	51.1%
37. GOBLE (67)	51.0%
38. Espich (32)	50.4%
39. SCHULTZ (61)	50.2%
40. WILSON, Ayres (10)	50.2%
41. " "	"
42. Hibner (56)	50.1%
43. Hoover (33)	50.1%
44. Dean (62)	49.9%
45. Coleman (54)	49.6%
46. AVERY, Becker (75)	49.3%
47. " "	"
48. TURNER, Duckwall (31)	49.3%
49. " "	"
50. Thomas (44)	49.1%
51. Moberly (57)	48.7%
52. Taylor (8)	48.1%
53. McIntyre (65)	47.7%
54. KLYNNER (27)	47.7%
55. Fifield, Reppa (15)	47.6%
56. " "	"
57. Stephan (21)	47.1%
58. JONZ (25)	46.4%
59. Bales (60)	46.3%
60. Mangus (6)	45.9%
61. Becker (24)	45.6%
62. " "	"
63. " "	"
64. " "	"
65. " "	"
66. HAYES (59)	45.2%
67. Regnier (29)	45.1%
68. Musselman (23)	44.2%
69. Dailey (35)	44.2%
70. Fox (2)	43.7%
71. Roorda (16)	42.5%
72. " "	"
73. " "	"
74. Mishler (22)	41.9%
75. " "	"
76. " "	"
77. " "	"
78. " "	"

Exhibit HH

79.
 80.
 81.
 82. JONES (26) 41.01
 83.
 84.
 85.
 86. Davis (28) 40.79
 87. Richardson (53) 40.51
 88. Gerig (1) 40.08
 89. Mailendore (58) 39.98
 90. Pool (41) 39.74
 91. Dillingger (38) 39.48
 92. Bray (47) 37.78
 93.
 94.
 95.
 96. Warner (4) 35.61
 97. Meury (18) 34.41
 98. Mock (3) 34.88
 99. Thompson (40) 33.88
 100. Donaldson (39) 22.38

Alderman, Gabet, Harper (19) 41.01
 " " "
 " " "

Dorbecker, Leeuw, Schmid (52) 41.01
 " " "
 " " "

Burkley, Nelson, Soards (48) 36.41
 " " "
 " " "

Analysis of SEN1971
 Ideal population size=109803 maximum deviation=2.00%

Dist #	Pop.	Dev.	Dev%	Black%
1	68772	-41031	-37.37*	21.1
2	118863	9060	8.25*	5.1
3	103672	-6131	-5.58*	84.8
4	69407	-40396	-36.79*	24.5
5	131843	22040	20.07*	.3
6	132877	23074	21.01*	.2
7	126752	16949	15.44*	.1
8	106893	-2810	-2.65*	8.1
9	110736	933	.85	4.2
10	89186	-20617	-18.78*	18.0
11	115737	5934	5.40*	1.1
12	113737	3934	3.58*	4.9
13	108547	-1256	-1.14	.1
14	108633	-1170	-1.07	5.0
15	111913	2110	1.92	9.4
16	107395	-2408	-2.19*	9.7
17	127303	17500	15.94*	.3
18	108073	-1730	-1.58	1.4
19	107675	-2128	-1.94	.1
20	110109	306	.28	4.8
21	103815	-5988	-5.45*	4.2
22	116569	6766	6.16*	1.7
23	108635	-1168	-1.06	.4
24	124095	14292	13.02*	.3
25	100374	-9429	-8.59*	9.1
26	102145	-7658	-6.97*	7.3
27	101988	-7815	-7.12*	3.8
28	114656	4853	4.42*	.9
29	131829	22026	20.06*	12.5
30	95925	-13878	-12.64*	27.9
31	106102	-3701	-3.37*	18.5
32	114208	4405	4.01*	4.9
33	78513	-31290	-28.50*	39.7
34	73739	-36064	-32.84*	68.1
35	111238	1435	1.31	2.9
36	111298	1495	1.36	2.1
37	127444	17641	16.07*	.3
38	97669	-12134	-11.05*	5.1
39	117046	7243	6.60*	1.4
40	124059	14256	12.98*	2.0
41	120452	10649	9.70*	1.5
42	107452	-2351	-2.14*	.9
43	119919	10116	9.21*	.4
44	115763	5960	5.43*	.4
45	119451	9648	8.79*	3.9
46	122251	12448	11.34*	1.9
47	105475	-4328	-3.94*	.2
48	108580	-1223	-1.11	1.1
49	99232	-10571	-9.63*	7.7
50	131370	21567	19.64*	3.7

Extreme dev%=-37.37, 21.01 Deviation range=58.38

Exhibit 1

A-124

Analysis of HR1972
Ideal population size=54901 maximum deviation=2.00%

Dist #	Pop.	Dev.	Dev%	Black%
1	88379	-20923	-19.06*	6.9
2	97942	-11860	-10.80*	14.5
3	102463	-7339	-6.68*	23.5
4	135084	25282	23.03*	2.1
5	80210	-29592	-26.95*	91.2
6	122277	12475	11.36*	4.9
7	105850	-3952	-3.60*	8.1
8	87256	-22546	-20.53*	21.1
9	112444	2642	2.41*	4.9
10	53254	-1647	-3.00*	.8
11	116706	6904	6.29*	2.5
12	59899	4998	9.10*	.1
13	59790	4889	8.91*	.2
14	167509	2806	1.70	10.9
15	161791	-2912	-1.77	5.0
16	55385	484	.88	.1
17	63433	8532	15.54*	.3
18	58695	3794	6.91*	.5
19	66423	11522	20.89*	.2
20	57422	2521	4.59*	.1
21	54253	-648	-1.18	.6
22	54921	20	.04	2.3
23	46203	-8698	-15.84*	.3
24	53196	-1705	-3.11*	.0
25	114583	4781	4.35*	4.8
26	49093	-5808	-10.58*	7.9
27	58593	3692	6.72*	.7
28	57863	2962	5.40*	.1
29	51630	-3271	-5.96*	1.5
30	63042	8141	14.83*	2.0
31	52295	-2606	-4.75*	1.1
32	55017	116	.21	.4
33	73137	18236	33.22*	.1
34	63709	8808	16.04*	.5
35	54886	-15	-.03	2.1
36	44714	-10187	-18.56*	18.6
37	66121	11220	20.44*	2.3
38	35202	-19699	-35.88*	17.0
39	52582	-2319	-4.22*	.3
40	48265	-6636	-12.09*	7.9
41	52057	-2844	-5.18*	.9
42	170856	6153	3.74*	15.0
43	144739	-19964	-12.12*	31.6
44	164611	-92	-.06	7.6
45	108477	-56226	-34.14*	63.8
46	160973	-3730	-2.26*	1.3
47	65620	10719	19.52*	.5
48	55913	1012	1.84	1.0
49	48820	-6081	-11.08*	5.6
50	54493	-408	-.74	5.3
51	67237	12336	22.47*	3.2
52	67591	12690	23.11*	.0
53	59958	5057	9.21*	1.4

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54	59640	4739	8.63*	.6
55	59815	4914	8.95*	.3
56	53989	-912	-1.66	.9
57	60028	5127	9.34*	.5
58	58634	3733	6.80*	.1
59	58394	3493	6.36*	1.6
60	56535	1634	2.98*	.7
61	58317	3416	6.22*	.4
62	53107	-1794	-3.27*	.9
63	54726	-175	-.32	.3
64	56962*	2061	3.75*	.2
65	58379	3478	6.34*	.6
66	62934	8033	14.63*	.9
67	58535	3634	6.62*	7.1
68	55227	326	.59	3.9
69	65798	10897	19.85*	.3
70	57332	2431	4.43*	.0
71	102405	-7397	-6.74*	6.7
72	120058	10256	9.34*	4.5
73	56002	1101	2.01*	1.7

Extreme dev%=-35.88, 33.22 Deviation range=69.10

A-126

Analysis of SEN1982
Ideal population size=109803 maximum deviation=2.00%

Dist #	Pop.	Dev.	Dev%	BLACK%
1	108125	-1678	-1.53	17.5
2	109108	-695	-.63	.8
3	108983	-820	-.75	71.9
4	108175	-1628	-1.48	25.6
5	106831	-972	-.89	.3
6	108557	-1246	-1.13	.2
7	107975	-1828	-1.66	.2
8	107669	-2134	-1.94	8.0
9	107644	-2159	-1.97	.8
10	108450	-1353	-1.23	18.1
11	108736	-1067	-.97	1.3
12	108967	-836	-.76	5.1
13	109672	-131	-.12	.2
14	112349	2546	2.32*	3.1
15	111891	2088	1.90	12.7
16	110226	423	.39	7.9
17	108591	-1212	-1.10	.2
18	108368	-1435	-1.31	1.4
19	108642	-1161	-1.06	.1
20	109524	-279	-.25	4.8
21	111262	1459	1.33	3.9
22	107847	-1956	-1.78	1.9
23	112778	2975	2.71*	.2
24	108269	-1534	-1.40	.3
25	111187	1384	1.26	8.4
26	108876	-927	-.84	6.8
27	108648	-1155	-1.05	3.6
28	108222	-1581	-1.44	1.0
29	108435	-1368	-1.25	4.6
30	108408	-1395	-1.27	24.1
31	108129	-1674	-1.52	15.5
32	111438	1635	1.49	2.8
33	109284	-519	-.47	34.2
34	108038	-1765	-1.61	58.4
35	111988	2185	1.99	2.2
36	110324	521	.47	1.7
37	111287	1484	1.35	.1
38	110582	779	.71	1.4
39	109914	111	.10	5.1
40	110841	1038	.95	2.3
41	110217	414	.38	1.6
42	111943	2140	1.95	.8
43	110268	465	.42	.5
44	111779	1976	1.80	.4
45	111942	2139	1.95	.9
46	111507	1704	1.55	5.3
47	111713	1910	1.74	.4
48	110828	1025	.93	.7
49	111875	2072	1.89	9.3
50	111867	2064	1.88	1.8

Extreme dev%=-1.97, 2.71 Deviation range=4.68

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Analysis of HR1982
Ideal population size=54901 maximum deviation=2.00%

Dist #	Pop.	Dev.	Dev%	BLACK%
1	55848	947	1.72	.2
2	55249	348	.63	.0
3	55146	245	.45	1.3
4	54454	-447	-.81	.4
5	54885	-16	-.03	9.0
6	54763	-138	-.25	.6
7	111544	1742	1.59	18.0
8	54595	-306	-.56	2.0
9	109643	-159	-.14	7.7
10	110825	1023	.93	.3
11	111692	1890	1.72	4.9
12	111977	2175	1.98	30.6
13	55807	906	1.65	13.3
14	112332	2530	2.30*	69.9
15	111687	1885	1.72	.3
16	55890	989	1.80	.1
17	55355	454	.83	.9
18	54041	-860	-1.57	.4
19	165327	624	.38	11.5
20	165309	606	.37	4.4
21	54972	71	.13	.1
22	55735	834	1.52	.3
23	55341	440	.80	2.0
24	55856	955	1.74	.6
25	55649	748	1.36	.1
26	55492	591	1.08	2.0
27	54115	-786	-1.43	1.6
28	55222	321	.58	.2
29	55559	658	1.20	.7
30	54690	-211	-.38	7.2
31	108241	-1561	-1.42	5.0
32	55876	975	1.78	.0
33	54541	-360	-.66	.2
34	55167	266	.48	12.1
35	53863	-1038	-1.89	1.7
36	54891	-10	-.02	2.4
37	54631	-270	-.49	15.0
38	55485	584	1.06	.5
39	54033	-868	-1.58	.2
40	54042	-859	-1.56	.0
41	53962	-939	-1.71	.4
42	54755	-146	-.27	.5
43	54788	-113	-.21	7.8
44	54364	-537	-.98	1.0
45	54083	-818	-1.49	2.2
46	54664	-237	-.43	1.0
47	53868	-1033	-1.88	.0
48	162630	-2073	-1.26	3.7
49	161947	-2756	-1.67	21.6
50	161956	-2747	-1.67	5.5
51	162437	-2266	-1.38	61.2
52	163928	-775	-.47	3.7
53	54279	-622	-1.13	.4

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54	54475	-426	-.78	.9
55	53925	-976	-1.78	.9
56	54551	-350	-.64	7.0
57	54541	-360	-.66	.6
58	54690	-211	-.38	1.5
59	54410	-491	-.89	1.7
60	53842	-1059	-1.93	.7
61	54754	-147	-.27	3.9
62	54255	-646	-1.18	.4
63	55897	996	1.81	.3
64	54715	-186	-.34	1.9
65	54058	-843	-1.54	.2
66	55966	1065	1.94	.5
67	55039	138	.25	.1
68	55445	544	.99	.5
69	55571	670	1.22	1.0
70	55182	281	.51	.7
71	54307	-594	-1.08	7.4
72	56284	1383	2.52*	3.8
73	55787	886	1.61	.0
74	54756	-145	-.26	.4
75	109781	-21	-.02	1.8
76	55044	143	.26	1.9
77	55473	572	1.04	17.0

Extreme dev%=-1.93, 2.52 Deviation range=4.45